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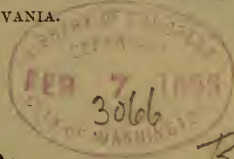






THE
GOVERNMENT OF THE PEOPLE
OF THE STATE OF
PENNSYLVANIA.


BY
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OF PENNSYLVANIA.



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COAT OF ARMS OF THE STATE OF PENNSYLVANIA.



SPECIAL legislation enacted by the General Assembly of this State has resulted in variations in the organization and administration of local government. These variations will be found in the methods of assessing and collecting taxes, in the number and duties of the clerks of the courts, in the method of road-supervision, in the matter of salaries and fees of officials and in various other matters of local government. It has not been deemed necessary nor even desirable to attempt to explain and to reconcile these minor differences; they can be best examined and considered in the localities in which they occur. Under the present Constitution of the State, special legislation—that is, legislation affecting only certain interests or localities—is forbidden.

The advantage of referring directly to the Constitution for any information which is therein expressly stated, and thus to study the Constitution itself, rather than to study about it, cannot be too strongly urged. There is a reality and a freshness in information so gained that is attainable in no other way.

The author desires to express his obligations to teachers throughout the State for the generous welcome accorded to the original edition of this work and for kind suggestions which have enabled him materially to improve and to strengthen the book.

FRANCIS NEWTON THORPE.

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INTRODUCTION.

As applied to an American Commonwealth the word State signifies a political community of free citizens, occupying a territory of defined boundaries, organized under a government sanctioned and limited by a written Constitution, and established by the consent of the people. Each State or Commonwealth maintains a republican form of government, which is guaranteed by the United States.

A State or Commonwealth is a public corporation, and has many rights also possessed by a free person. It can buy and sell property and hold it in possession. It can make contracts or agreements and compel those who form the contract to perform their part. Yet because it is the State and possesses many powers which a human being cannot possess or exercise, the State cannot be sued as easily as an individual or a private corporation. The State as a public corporation is next in rank to the United States. Public corporations of lesser rank are counties, cities, and boroughs. There are cases in which the United States, a State, a county, a city, or a borough may be sued.

The State differs from the government of the State. The body of men to whom the business of the State is committed by the electors are public servants. They possess no authority not delegated to them by the State Constitution and the laws made in accordance with it. The laws of the State are made by its legislature and are of general application in the State unless otherwise specified.

Local government consists chiefly in the administration of these laws. Cities and boroughs, through the agency of councils, enact ordinances in force only in their respective cities and boroughs. All such ordinances must be consistent with the Constitution and the laws of the State.

The State Constitution is therefore the supreme law of the State,—supreme unless it conflicts with the supreme law of the United States, which is the national Constitution and the treaties and laws made by its authority.

A citizen of Pennsylvania is therefore governed by several sets of laws. If he resides in a township, a borough or a city, he is governed by local laws or ordinances, also by the laws of the State; the Constitution of the State; the laws of Congress; the treaties made by Congress; and by the Constitution of the United States.

He is only indirectly affected by the laws, the treaties, and the Constitution of the United States. By far the greater part of his interests are directly affected by local laws or ordinances and by State laws.¹

Pennsylvania is independent of every other Commonwealth, but it is an integral part of the United States. It is one of the original thirteen States, and bears as a State a relation to all the other States which may be compared to the relation which one organ of the human body bears

¹ “An American may, through a long life, never be reminded of the Federal Government, except when he votes at presidential elections, lodges a complaint against the post-office, and opens his trunk for a custom-house officer on the pier at New York when he returns from a tour in Europe. His direct taxes are paid to officials under State laws. The State, or a local authority constituted by the State statutes, registers his birth, appoints his guardian, pays for his schooling, gives him a share in the estate of his father deceased, marries him, divorces him, entertains civil action against him, declares him a bankrupt, hangs him for murder. The police that guard his house, the local boards which look after the poor, control highways, impose water rates, manage schools—all these derive their legal powers from the State alone.”—BRYCE'S *American Commonwealth*.

to all the other organs. The inhabitant of Pennsylvania may be a citizen or an alien. If a citizen, he may be an elector if he complies with the requirements of the State Constitution. If a citizen of Pennsylvania, he is also a citizen of the United States.

Because his interests are identified with those of Pennsylvania, he is directly concerned in the government of the State. If an elector, he exercises a power in determining what kind of a government shall exist in the State and who shall administer it. He votes directly for State, county, township, city, or borough officers. If any officers are appointed, he votes for the officer who appoints them. If there is inefficient or bad government in the State or in any of its civil divisions, the citizens may correct abuses by their votes. The people are chiefly responsible for the entire conduct of the public business because the public business is entrusted to their servants.

The State of Pennsylvania is but little larger than the province ceded to William Penn; indeed, it is larger only by the "Triangle" on Lake Erie. It is correct, however, to speak of the growth of the Commonwealth, though by the term we do not imply an acquisition of territory. Its growth consists in the increase of the number of its people and of their resources and power. It is the second State in the Union in point of population, which now numbers about six millions. From 1880 to 1890 it gained more people than any other Commonwealth. It is usually spoken of as a mining and manufacturing State, yet by the census of 1890, two of its counties, Lancaster and Chester, were among the five most productive counties of the Union agriculturally, and Lancaster was second of the five.

A people so numerous,—being now nearly twice as many as lived in the United States when Washington became President; so actively engaged in all the important modern industries, are necessarily compelled to give

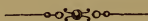
great attention to their State government, and to the government of their counties, their townships, their boroughs, and their cities. If they neglect these civil interests, they endanger their own peace and prosperity.

From an early day civil government existed in that part of Pennsylvania extending along the Delaware, in the vicinity of Philadelphia. As early as 1638 a Swedish colony settled on the west side of the Delaware Bay and recognized the Schuylkill river as a northern boundary. But New Sweden, as the region occupied was called, was of short duration. The Dutch of New Amsterdam claimed the region occupied by the Swedes, and in September, 1655, they conquered New Sweden. During the seventeen years of its existence, the Swedes by their industry had made it a source of profit to the home country. The Dutch, in turn, submitted to the English, when New Amsterdam became New York, in 1664. The Swedish and the later Dutch occupation of a small portion of the country, now known as Pennsylvania, cannot be said to have affected its civil history. Though the Swedes had their own local government, Penn did not change his form of government on their account. He found the Swedes in his province, and he included them as a part of its people "who," he said, "should have laws of their own making." Civil government in Pennsylvania begins with William Penn's charter.



WILLIAM PENN.

PENNSYLVANIA.



CHAPTER I.

THE CIVIL GOVERNMENT OF PENNSYLVANIA IN HISTORY.

1. THE Commonwealth of Pennsylvania was founded by William Penn, under a charter granted him by King Charles II., March 4, 1681. Penn was born in 1644, in London, and, while a student at Oxford University, joined the Society of Friends. The Friends were among the English emigrants to America during the last half of the seventeenth century.

2. The Friends were not welcome in New England, on account of their religious opinions. They did not like New York because of "the worldly character of its inhabitants." They disapproved of slavery, hence they did not like Virginia and the Carolinas. Therefore they came to New Jersey, and in the years 1675 to 1680 they founded Burlington and some of the adjoining towns.

3. New Jersey was settled under the fostering care of trustees some of whom were Friends, and among whom was William Penn. His relations with friendly settlements in New Jersey led him to think of founding a province based on friendly and just principles.

4. Penn's influence with King Charles II. was sufficient to induce that careless monarch to give to Penn the region of country now known as Pennsylvania.¹ King Charles gave away parts of America to his favorites with a lavish hand, and, as he was not particular about boundaries, his grants were the cause of many disputes long after his death, when the States attempted to fix their boundaries. The deed from King Charles to William Penn specifies

"A tract of land in America lying north of Maryland, on the east bounded by the Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable."

5. The grant of this land to Penn was not one of mere favoritism; the English Crown was indebted to the Penn family to the amount of £16,000—about \$80,000 at the present time—which Penn's father, Sir William Penn, a distinguished British admiral, had years before advanced to the British Government. The admiral, moreover, had performed great services meriting recognition.

6. Penn's request to King Charles for a grant of land in America as full payment of the debt enabled the king to

¹ The original area was increased in 1786 by the purchase of the "Triangle," Erie county, from the government of the United States.

pay it very easily. By English law, the land asked for belonged to the Crown by right of Cabot's discoveries nearly two hundred years before.

7. On the 4th of March, 1681, the king signed a charter by which "Pennsylvania" was given to William Penn and his heirs for ever on the condition that the head of the Penn family should pay tribute for it:

"Yeelding and paying therefore to vs, our heires and Successors, two beaver Skins to bee delivered att our said Castle of Windfor, on the first day of Januarie, in every yeare; and also the fifth parte of all Gold and Silver Oare, which shall from time to time happen to be found within the Limitts afore-said, cleare of all Charges." ¹

8. Penn had already thought out a "Frame of Government." One of his friends and neighbors was the celebrated Algernon Sidney, a friend of mankind and a defender of the ideas of free government. Sidney influenced and aided Penn in making his plan of government so broad and liberal in character that its essential features remain to this day. Because of his liberal ideas Sidney was soon after put to death on the charge of treason; he was convicted because he had written out his thoughts on free government. The manuscript was declared to be his, and he was condemned and executed, although the manuscript had never been published.

9. Penn brought Sidney's liberal ideas to America. He landed at Upland, now called Chester, October 27, 1682, and at once issued orders for a general election to occur November 20. On December 4, he held his first assembly. Penn never forgot his friend Sidney. He spoke as Sidney would have spoken when, in writing to the people of Pennsylvania, he told them that they should have law-

¹ The original charter may still be seen at Harrisburg, and the State has published a full-sized fac-simile of it.

makers of their own choosing and laws of their own making. He said, "I will put the power with the people"—a great idea in government—an idea made immortal by Abraham Lincoln in his speech at Gettysburg describing government as "government of the people, by the people and for the people."

10. This first Pennsylvania Assembly at Chester in 1682 enacted "The Great Law or Body of Laws of the Province of Pennsylvania," consisting of sixty-six laws, which, with slight modification in two hundred years, are the laws of the Commonwealth to this day. By his charter Penn was made lord proprietor of his province. He had almost kingly power; but, faithful to his ideas of government, he provided for a House of Assembly, for courts of law, for justices' courts and for county offices all of which are in existence at the present day.

11. Penn himself was governor, and he sought assistance by creating a council of state, which, with the governor or his deputy, comprised an upper house in the Assembly. He made provision for the comfort of the people of the province by laying out the city of Philadelphia and giving it a charter; so that Philadelphia is the oldest incorporated city in English-speaking America. He made the price of land low, encouraged industry and economy, made provision for schools and for a university, and then returned to England.

12. Penn's life was a benediction to mankind. He died in 1718. Montesquieu compares him to Lycurgus, saying that he overcame prejudices and "made peace his principal aim." He not only made Pennsylvania a home for the Friends, but a home for the persecuted of all nations. To Pennsylvania came Friends, Episcopalians, Scotch-Irish Presbyterians, and German Lutherans, and all were equally protected. In no other part of America was there so liberal and peaceful a spirit.

13. The nationality of the people who made Pennsyl-

vania their home is traceable in many of the counties of the Commonwealth. The Scotch-Irish settled in the western part of the State; the Friends settled in the southeastern part of the State, in Delaware, Philadelphia, Chester and the adjoining counties; people of German ancestry settled the rich counties of the anthracite coal-region. More than two centuries have passed, and the descendants of these early settlers are still to be found in the same sections of the State that their ancestors occupied.

14. Penn gave the people of this province his "Frame of Government" April 25, 1682. In this he laid down some principles of government well worthy of our understanding and applicable to us at the present time:

"I know some say, 'Let us have good laws, and no matter about the men that execute them;' but let them consider that, though good laws do well, good men do better; for good laws may want good men, and be abolished or invaded by ill men; but good men will never want good laws nor suffer ill ones."

15. Penn said, further, that "the great end of all government" is "to support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honorable for their just administration; for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy (the public officials chosen by the people); where either of these fail, government will be subject to convulsions; but where both are wanting it must be totally subverted; then where both meet the government is like to endure. Which I humbly pray and hope God will please to make the lot of Pennsylvania."

16. Penn's prayer has been answered. The principles of government which he advanced are the principles of our government to-day. He practised them faithfully.

Although the king had given him the land and it was legally his property, yet Penn recognized the natural rights of the Indians who for ages had roamed over it. On the west bank of the Delaware, at Shackamaxon, now called Kensington, a part of Philadelphia, under the spreading arms of an ancient tree, Penn met the chiefs of the Indian tribes who lived on his domain, and entered into a solemn treaty of friendship with them. "We are one flesh and blood, brothers," said Penn to the Indians, to whom no Englishman had ever uttered such words; and a great chief replied, "We will live in love as long as the sun and moon shine; we will ever live in peace, Onas;" and by that name Penn was always known to the Indians. The promise was never signed and never broken. Penn bought the land of the Indians, paying them in such things as they desired, and they took freely of blankets, axes, kettles, knives, beads and looking-glasses, for these things had great value in their eyes.

17. The deputy governors whom the Penn family sent to rule Pennsylvania were not inspired with the principles of the great founder of the province. They valued Pennsylvania only as a producer of wealth for their benefit. For many years there was a contest between the General Assembly of the province and its governor. The dispute was mainly about rents, taxes, the governor's salary and the governor's power to veto the acts of Assembly.

18. Dr. Franklin, speaking of the veto power of the proprietary governor of Pennsylvania—and he might have said it of other colonial governors not elected by the people—said: "The negative of the governor was constantly made use of to extort money. No law whatever could be passed without a private bargain with him. An increase of his salary or some donation was always made a condition; till at last it became a regular practice to have orders in his favor on the treasury presented along with the bills to be signed, so that he might actually

receive the former before he should sign the latter. When the Indians were scalping the Western people, the concurrence of the governor in the means of self-defence could not be got till it was agreed that his estate should be exempted from taxation ; so that the people were to fight for the security of his property, whilst he was to bear no share of the burden."

19. In 1776 the colony of Pennsylvania became a State, and a convention of the people, Benjamin Franklin chairman, framed the first State constitution, which continued the civil institutions of colonial times, save that the governor was thenceforth elected by the people. The General Assembly treated the Penn family justly, and in 1779 granted to the heirs of Penn the sum of \$524,000 in full settlement of all disputes and claims of the family against the State of Pennsylvania.

20. By the constitution of 1776 the legislature consisted of one house only, the Assembly—a name long familiar to the people. It is interesting to note that to this day the laws of Pennsylvania are called "Acts of Assembly," and not statutes, as in some of the States. In 1789 a second constitution was framed, and ratified in the following year. This constitution provided for a legislature of two bodies and the usual tripartite government. A third constitution was ratified by the people in 1838, and a fourth, now in force, in 1873. In all these constitutions the ancient form of local government introduced by Penn has been maintained. The duties of our county and township officers and their official titles are to-day the same as they were more than two centuries ago.

21. The first seat of government of the State was in Philadelphia. In 1799 it was removed to Lancaster, where it remained for thirteen years. In 1812 it was removed to Harrisburg, the present seat of the State government.

22. The principal changes that have been made in the government of the State are in the creation of bureaus,

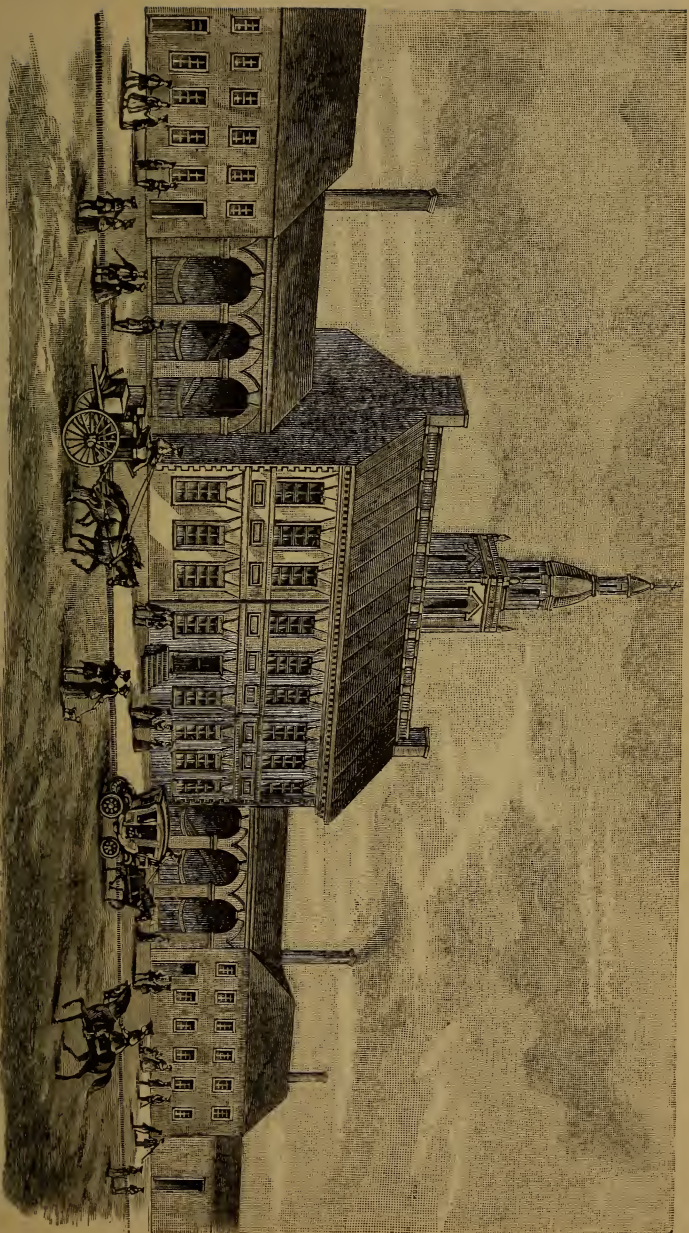
commissions, boards and departments for promoting the general welfare of the people and protecting interests unknown in the early history of the State. These changes have been caused by the development of the interests of the State.

23. The Commonwealth of Pennsylvania has been a field fruitful of great events, rich in great men and conspicuous in the civil history of our country. It was in Philadelphia, September 5, 1774, that the first Continental Congress assembled and organized the Revolutionary Government, based its authority upon the people, and issued the famous Bill of Rights for America.

24. In 1775 the second Congress met in Philadelphia, on the 10th of May. It took into consideration the whole nation; it organized an army and navy; adopted a monetary system or Treasury Department; established a Post-office Department; and issued the Declaration of Independence. Benjamin Franklin was made Postmaster-General, and Robert Morris, another eminent Pennsylvanian, was chosen Financier of America.

25. In 1787, in Philadelphia, there assembled the most celebrated gathering of able men ever seen in America—the men who framed the Constitution of the United States.

“In that convention no other State could boast of such delegates as were sent by Pennsylvania. Foremost in fame was Franklin, who divided with Washington the admiration of the world. He was widely famed before many of his illustrious colleagues in the convention were born. In science, in diplomacy, in society, in letters, in practical business, in great public charities and in organizations of wide influence to this day, he was foremost; and of all the Americans in an age of great men, he is still more talked and written about than any save Washington. As president of his State he sat most influential in the delegation, and, though too feeble by reason of age to participate



STATE-HOUSE IN PHILADELPHIA, WHERE THE CONSTITUTIONAL CONVENTION MET.
From a Print of the Time.

actively in the debates of the convention, by his presence and by his inexhaustible good humor and practical sagacity his influence was so great that it may be said that the Constitution could not have been framed without him."

26. "Other influential Pennsylvanians in the convention of 1787 were Thomas Mifflin, member of Assembly, and nine years governor of his State; Robert Morris, the financier of the Revolution, delegate to Congress, a signer of the Declaration, first United States Senator from Pennsylvania, and founder of the Bank of North America; George Clymer, one of the signers, a delegate to Congress, and afterward a member of the House of Representatives; Thomas Fitzsimons, a famous merchant of Philadelphia; Jared Ingersoll, the leader of the bar of the State; James Wilson, a student at four universities and the ablest constitutional lawyer in the convention, a frequent debater, afterward professor of law in the University of Pennsylvania, and appointed by Washington a justice of the Supreme Court of the United States; and Gouverneur Morris, delegate to Congress, later governor of New York, and afterward one of its United States Senators. Morris was chosen by the convention to write the Constitution in its final form, because his colleagues recognized the finish and elegance of his style."¹

27. Pennsylvania, during the long Revolutionary struggle, was the scene of critical campaigns, of the suffering, hardships and sacrifices of patriots and of the varying fortunes of war. Valley Forge and Germantown and the valley of the Brandywine are historic spots. It was in Western Pennsylvania that the great struggle broke out between France and England for the possession of North America—a struggle which taught the colonies that they were capable of governing themselves. It was in Pennsylvania, at Gettysburg, that the world's greatest

¹ From Thorpe's *Story of the Constitution*.

battle for human freedom was fought in 1863—a battle whose mighty and beneficent effects have rewritten the meaning of that constitution of the nation first written in Pennsylvania three-quarters of a century before.

28. Pennsylvania has not been wanting in great men in all departments of public affairs. Among her great governors are Mifflin, McKean, Snyder, Hiester, Curtin, Geary, Hartranft. Among her great judges are Shippen, Tilghman, Gibson, Black and Sharswood.

29. In national affairs Pennsylvania has exercised a powerful influence. The first speaker of the House of Representatives, Frederick A. Muhlenberg, was from Pennsylvania. In Congress the State has always been ably represented, and among the ablest have been Albert Gallatin, later secretary of the treasury, John Covode, David S. Wilmot, Horace Binney, Jared Ingersoll, John Hickman, and Thaddeus Stevens, “the father of the public schools in Pennsylvania.” Among the United States senators from Pennsylvania are Robert Morris, Albert Gallatin, George M. Dallas, James Buchanan and Simon Cameron. Of these, Buchanan became a president and Dallas a vice-president of the United States. This Commonwealth has furnished three secretaries of state; seven secretaries of treasury; six secretaries of war, among them Edwin M. Stanton; two secretaries of the navy; one secretary of the interior; three postmasters-general; seven attorneys-general; five justices of the supreme court; three presidents *pro tem* of the Senate; and four speakers of the House of Representatives.

30. In educational affairs Pennsylvania has always manifested a commendable interest. Common schools are established in every township throughout the State, and through the influence of the system of county superintendents, aided by intelligent and earnest teachers, they are constantly advancing in efficiency and usefulness. High schools are found in all the chief cities and

boroughs. Thirteen State normal schools aid in training a body of professional teachers. Academies, seminaries and select schools are to be found in every part of the State. More than twenty colleges offer opportunities for advanced study. The University of Pennsylvania, first suggested by William Penn, and founded by Benjamin Franklin in 1740, is the fourth in order of time of the American universities.

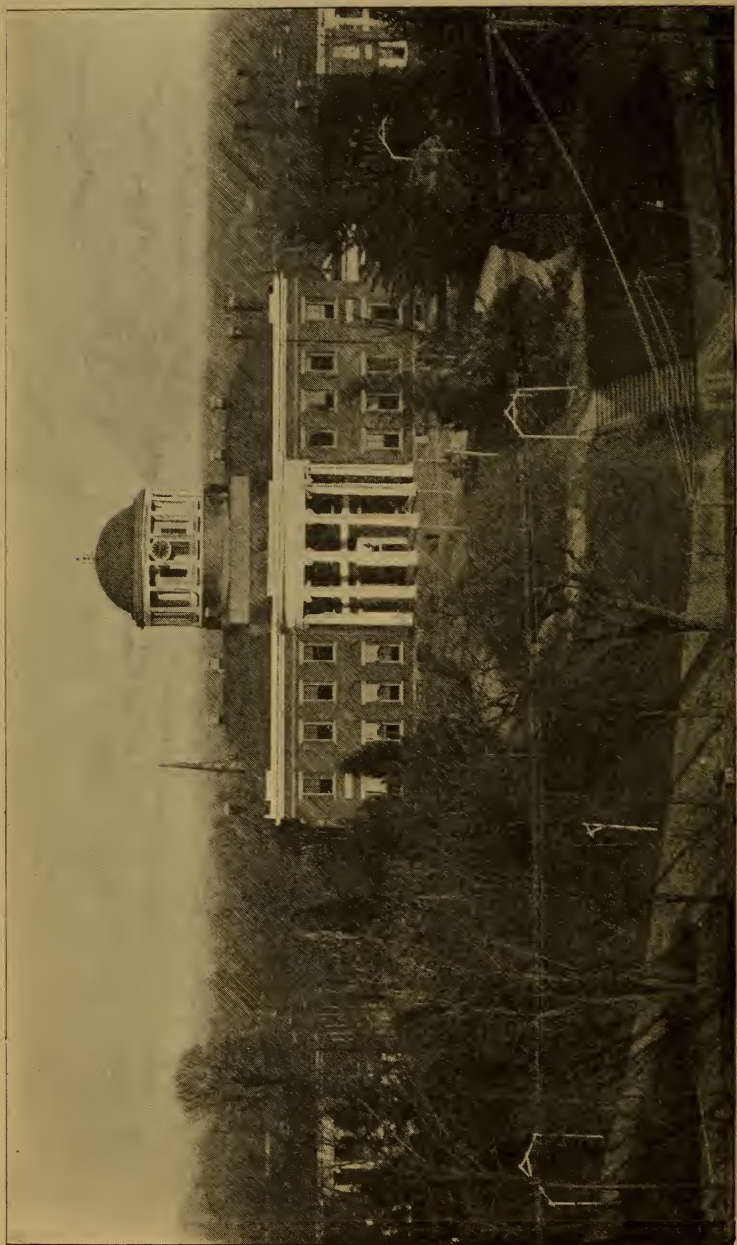
31. Pennsylvania is known as the "Keystone State"—a name suggested not only by the geographical position of the Commonwealth among the original thirteen States, but, in a large sense, on account of the moderation and wisdom of the action of the State in public affairs—a position referred to in an old popular song of 1790:

"Still Pennsylvania holds the scales,
And neither South nor North prevails."

In whatsoever direction we pursue the history of Pennsylvania, we meet with great men and deal with great ideas. Her founder set the fashion of her history, and her founder was one of the world's great and good men.

32. What shall be the future of our Commonwealth? That future depends upon the men and women, the boys and the girls of to-day. It is they who make the State. "Virtue, liberty and independence" can be spoken only of an intelligent, high-minded, industrial and law-abiding people—a people who build their government upon the deep foundations of the home. Throughout the wide world there is no other land so full of opportunities as our own. We are free to make our institutions ideal in their perfection. But our civil institutions depend upon the citizen for their strength and character. He makes the government in township, county, State and nation. His interests are entrusted to public servants of his own choosing. Upon him fall both the responsibilities and the blessings of free government. At the fireside we hear the story of

Washington and of Lincoln ; in school we learn of the making of the States and of the nation ; we learn the nature of the State, its organization and its administration. We leave school and enter upon the active duties of life. Then our influence is for or against good government : we hinder or we promote the general welfare. Many years ago a child of five years became king of France. Until he was old enough to take upon himself the cares of his kingdom his guardians ruled in his name. On the day when he became of age his minister inquired of him, "Sire, to whom shall I now report?" "To me," replied the king ; "I am the state." And in this country, when a youth enters upon his manhood years, he may well say, "I am the state. Its interests, its honor, its history, are mine also." Popular government on a vast scale is for the first time on trial in this country. It is upon the individual citizens that its destiny depends. The work of good government is our work. "With malice toward none ; with charity for all ; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." And we may then confidently expect the blessings of Providence to rest upon the Commonwealth of Pennsylvania.



THE CAPITOL AT HARRISBURG, PA.



OBVERSE.



REVERSE.

CHAPTER II.

THE CIVIL GOVERNMENT OF PENNSYLVANIA AT THE PRESENT TIME.



THE COMMONWEALTH.

33. The Citizen.—The Constitution of the United States provides that “all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.” Hence all men, women and children born or naturalized in the United States and subject to the jurisdiction thereof, residing in the State of Pennsylvania, are citizens of both the United States and of the State of Pennsylvania. But all citizens are not electors. The elector is a citizen who has the right to vote. The Constitution of the State prescribes the qualifications of an elector.¹

¹ See *Art. VIII.*, page 106. Reference is made to the Constitution to familiarize the student with the Constitution itself, and to lead him to seek for information at the fountain-head.

34. The State Government.—The government of the Commonwealth of Pennsylvania is vested in three departments—the legislative, the executive and the judicial.

THE LEGISLATIVE DEPARTMENT.

35. The Legislative Power of the Commonwealth is vested in a General Assembly consisting of a Senate and a House of Representatives.¹

36. The General Assembly or Legislature meets at 12 o'clock noon on the first Tuesday in January of every second year (1895-97-99, etc.). It makes all the laws of the Commonwealth, but the laws it makes must not conflict with the Federal Constitution nor with that of the State, or they may be declared unconstitutional by the courts, and therefore null and void. These laws provide for the dealings of the citizens with each other, such as making contracts and partnerships, buying and selling lands, houses, goods and property of all kinds, making mortgages, deeds, promissory notes, checks, etc.; for the organization and government of corporations such as insurance, railroad, telegraph, telephone and manufacturing companies; for the prevention and punishment of crime; for the establishment and support of charitable and educational institutions; for establishing and regulating courts; for the government of counties, cities, boroughs, townships and school districts; for the method of procedure in courts; for the qualifications of electors; and for all other matters in which the citizens of the State may have any interest. It is the duty of the General Assembly to make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted "by the authority of the people of the State."

The State is divided by the General Assembly for election purposes into representative districts, State senatorial districts, congressional districts and judicial districts. The

¹ See *Art. II. Sect. 1.*

Assembly determines all matters connected with the taxation required to furnish the income for carrying on the government of the State. It elects two persons to represent the people of the State in the Senate of the United States. Members of the General Assembly are paid a salary for their services; they are supplied with such stationery as they may need at the expense of the State; and they are allowed a sum of money called *mileage* to pay their traveling expenses in going to and returning from a session of the Assembly.¹

37. The Senate consists of fifty senators, one for each senatorial district into which the State is divided.² The senator from each district is chosen by the electors of that district to serve for four years. The lieutenant-governor of the State is *ex-officio* president of the Senate. He is not a member of the Senate, and has no right to vote except when the vote of the Senate is equally divided. The Senate elects one of its own members president *pro tempore*, who appoints its committees unless the Senate orders otherwise, and who acts as president when the lieutenant-governor is absent. The Senate has the sole power to try impeachments and to confirm appointments made by the governor.

38. The House of Representatives consists of two hundred and four members, chosen to serve for two years by the electors in the different representative districts into which the State is divided.³ Each district elects its own representatives. The House elects one of its own members as presiding officer or speaker, who appoints all the committees unless the House otherwise orders. The House has the sole right to institute impeachments and to originate bills for raising revenue.⁴

39. How the Laws are Made.—The manner of making

¹ See *Art. II. Sect. 8.* ² See *Art. II. Sect. 16.* ³ See *Art. II. Sect. 17.*

⁴ For the qualifications of senators and representatives see *Art. II. Sect. 5.*

laws by the General Assembly is practically the same as by the Congress of the United States.

A law may originate in the form of a bill in either house (except a bill for raising revenue, which must originate in the House of Representatives).

The bill must be referred to a committee, returned therefrom and be printed for the use of the members.

It must be read in full in each house on three different days, and on its final passage it must, in each house, receive the assent of a majority of the whole number of members, voting by yeas and nays, and the name of each member voting, and the way he voted, must be entered on the journal of each house respectively.¹

If the bill be changed or amended in any respect by the other house, it must be returned to the house in which it originated, and the amendments must be approved by a majority of all the members, voting by yeas and nays, and the name of each member voting, and the way he voted, must be entered on the journal.²

If agreed to by a majority of all the members of both houses, the bill is sent to the governor. If he approves it, he signs it and the bill becomes a law. If he does not approve it, he vetoes it—*i. e.* he returns it with his objections to the house in which it originated. If both houses re-pass the bill by a two-thirds vote of all the members, it becomes a law without the approval of the governor. If the governor fails either to sign or to return the bill within ten days from the time it was presented to him, it becomes a law, unless the Assembly, by adjourning, prevent its return, in which case it becomes a law unless the governor files the bill, with his objections to it, in the office of the secretary of the Commonwealth, and gives public notice of the same by proclamation within thirty days after the adjournment of the General Assembly.³

¹ See *Art. III. Sect. 4.* ² See *Art. III. Sect. 5.* ³ See *Art. IV. Sect. 15.*

THE EXECUTIVE DEPARTMENT.

40. The Executive Power of the Commonwealth is vested by the constitution in the governor, lieutenant-governor, secretary of the Commonwealth, attorney-general, auditor-general, State treasurer, secretary of internal affairs and superintendent of public instruction.¹

41. The Governor.—The supreme executive power of the State is vested in the governor. He is chosen by the electors of the State to serve one term of four years, and is not eligible to the office for the next succeeding term. His salary is \$10,000 per annum. It is his duty to inform the General Assembly of the condition of the State, to recommend to its consideration such measures as he may think necessary and expedient and to see that the laws are faithfully executed. He is the commander-in-chief of the military and naval forces of the State, except when they are called into the actual service of the United States. He has the power to appoint, subject to the consent of the Senate, a number of important officers; to fill vacancies that may occur in any office under certain restrictions;² to remit fines; to grant reprieves; and, on the recommendation of the board of pardons, to grant commutations of sentence and pardons to persons convicted of crime, except in cases of impeachment;³ to veto bills that he does not approve; to disapprove of any item of a bill appropriating money, and approve of other items of the same bill; to call the Senate together to transact executive business only; to convene both houses on extraordinary occasions; and if at any time the two houses disagree as to adjournment, he may adjourn them for such time, not exceeding four months, as he shall think proper. All

¹ See *Art. IV. Sect. 1.*

² See *Art. IV. Sect. 8.*

³ See *Art. IV. Sect. 9.*

bills passed by the General Assembly that he approves, he signs, and they are then laws.¹

42. The Lieutenant-Governor is chosen by the electors to serve one term of four years, and is not eligible to the office for the next succeeding term. He is *ex-officio* the president of the Senate. In case of the death, resignation, removal from office or disability of the governor, the powers, duties and emoluments of the office devolve upon the lieutenant-governor. In case of the death, resignation, removal from office or disability of the lieutenant-governor, the duties and powers of the lieutenant-governor devolve upon the president *pro tempore* of the Senate.² The salary of the lieutenant-governor is \$5000 per annum.

43. The Secretary of the Commonwealth is appointed by the governor, and may be removed by him at any time. He keeps a record of all the official acts and proceedings of the governor. He is the keeper of the seal of the State, and affixes it to such instruments as the law requires; he is the custodian of all laws passed by the Assembly; they and the veto messages of the governor are prepared for publication under his supervision; the official bonds of all officers and notaries public³ whom the governor commissions are kept by him; all appointments, commissions and proclamations issued by the governor are countersigned by him, and a record of them kept in his office; he issues the charters of all corporations organized for profit, such as

¹ **The Private Secretary** of the governor has charge of the governor's official correspondence, and receives all applications for appointments, commissions, etc. He remains at the executive office for the transaction of such business as may not require the personal attention of the governor. He is the secretary of the board of pardons.

² See *Art. IV. Sects. 13 and 14*. For the qualifications of the governor and lieutenant-governor see *Art. IV. Sects. 5 and 6*.

³ **The Notary Public** is appointed by the governor. He is empowered to administer oaths. His chief duty is to attest signatures, statements, deeds and other documents, and to place his seal upon them as evidence of their authenticity.

railroad, transportation, telegraph, mining and manufacturing companies;¹ he prepares and sends to the county commissioners and to the sheriff in each county the forms of the ballots to be used in elections for State officers, State senators, judges of the courts, members of the national House of Representatives and presidential electors, with the names of the candidates that have been nominated for these offices; he is the custodian of the election returns of all national, State and county officers who receive executive commissions; he compiles and publishes the returns of the State elections; he keeps a record of all death-warrants, respites, commutations and pardons. He is the agent of official communication between the State and other States and the United States. His salary is \$4000 per annum.

44. The Attorney-General is appointed by the governor, and may be removed by him at any time. He is the legal adviser of the governor and of the heads of departments in all matters of law relating to their departments; he is the attorney of the Commonwealth; he prosecutes its claims against other parties, and defends it in suits at law brought against it. His salary is \$4100 per annum.

45. The Auditor-General is chosen by the electors of the State to serve one term of three years, and is not eligible to the office for the next succeeding term. He examines the condition of the State treasury annually; he examines and settles all accounts between the Commonwealth and other parties; he has the power to compel the attendance of all persons having accounts against the State, to cause them to produce their books and papers, to examine them under oath and to commit to prison any one who refuses to appear, to produce his books or to testify. His salary is \$5200 per annum.

¹ Corporations organized for moral, educational or social purposes, and not for profit, are chartered by the county courts.

46. The State Treasurer is chosen by the electors to serve one term of two years, and is not eligible to the office for the next succeeding term. For the faithful performance of his duties he gives a bond, satisfactory to the governor, in the sum of \$500,000. It is his duty to receive and receipt for all money paid into the State treasury, to apportion the revenues properly between the general fund and the sinking fund and to pay all warrants drawn by the proper officers. His salary is \$6200 per annum.

47. The Secretary of Internal Affairs is chosen by the electors to serve for four years. He inquires into the relations of capital and labor in their bearings upon the social, educational and industrial welfare of all classes of working-people; he exercises supervision over railroad, banking, mining, manufacturing and other corporations; and he has charge of the records and of the business of the public land office of the State. His salary is \$4600 per annum.

48. The Superintendent of Public Instruction is appointed by the governor for a term of four years. He has supervision of the public schools of the Commonwealth; commissions county, city and borough superintendents and conducts the annual examinations of students for graduation in the State normal schools.¹ When required by citizens or school-officers he explains matters connected with the school law, the duties of school-officers, the rights and duties of parents, guardians, teachers and

¹ The State superintendent or his deputy is president of the board that examines the candidates for graduation in the State normal schools. Successful candidates receive diplomas which are life certificates and authorize the owner to teach in any county of the State except in Philadelphia. To owners of professional certificates given by county superintendents, who may pass the examination of the board of examiners appointed by any county institute, he grants permanent certificates which are valid for life in the county for which they were issued, and in any other county in which they may be endorsed and ratified by the county superintendent thereof.

pupils. He signs all orders for money to be paid out of the appropriation to common schools; he reports to the General Assembly the condition and requirements of the common schools. His salary is \$4000 per annum.

49. The Secretary of Agriculture.—In 1895 the General Assembly created the department of agriculture. The secretary of agriculture is appointed by the governor to serve for four years. It is his duty to encourage and promote the development of agriculture, horticulture, forestry, and kindred interests; to investigate the adaptability of grains, fruits, grasses, and other crops to the soil and climate of the State, together with the diseases to which they are liable and the remedies therefor; to obtain and distribute information relative to the raising of stock and poultry; to obtain and publish information relating to the extent and condition of forest lands in the State; to enforce the laws designed to protect forests from fire, depredations, and destruction; the laws designed to prevent the adulteration of articles of food; the laws relating to the inspection, sale, or transportation of agricultural productions and imitations thereof; the laws relating to the diseases of domestic animals, and the laws relating to the manufacture and inspection of commercial fertilizers. His salary is \$3500 per annum.

The governor appoints also a deputy-secretary of agriculture to serve for four years; he conducts farmers' institutes throughout the State. His salary is \$3000 per annum.

49a. State Banking Department; Commissioner of Banking; Bank Examiners.—It is the duty of the commissioner of the banking department to see that all laws affecting banking institutions and all other monetary associations are faithfully executed. These institutions are: banks incorporated under the laws of the State; real estate, trust, safe deposit, title-insurance, and mortgage companies; savings institutions; building and loan associations;

and all other financial companies doing business in this State under charters granted by any other State. The commissioner of the banking department is appointed by the governor, to serve for four years; he receives an annual salary of \$6000.

The commissioner appoints examiners, not exceeding ten in number, to assist in investigating and examining the affairs of the corporations in the State that are subject to examination; he is required to make an annual report to the governor. The object in creating this department is to secure safety to the people who are depositors in any fiscal institution operating under State laws. The department is an important agency of the State in protecting depositors, business men, and the public generally against loss.

49b. Administrative Officers, Bureaus, Boards and Commissions, created by act of Assembly from time to time as required, assist the executive officers in administering the government. They are generally appointed by the governor, with the consent of the Senate. They are the adjutant-general,¹ the State librarian, the superintendent of public buildings and grounds, the State printer, the State board of agriculture, the factory inspector, the bureau of statistics, the insurance department, the board of public charities, the State committee on lunacy, the State board of health, the State fishery commission, the State board of trade, the commission of soldiers' orphans schools, the State pharmaceutical examining board, the State boards of medical examiners, the State zoologist, the State commissioner of forestry, the State veterinarian, the State

¹ The adjutant-general is appointed by the governor. He is chief of the governor's staff and is his military executive officer. He issues all orders of the governor to the National Guard of the State. Every male citizen of the State between eighteen and forty-five years of age, if not exempted by law, belongs to the militia. The *organized* militia constitutes the National Guard of the State. It consists of one division commanded by a major-general; the division is composed of three brigades, each commanded by a brigadier-general.

board of veterinary medical examiners, the State live stock sanitary board, the State board of sinking-fund commissioners, the State board of undertakers, the board of examiners of State normal schools, the board of commissioners of public grounds and buildings, and the State dairy and food commissioner. The names of these officers and boards indicate their duties in the work of carrying on the government of the Commonwealth.

THE JUDICIAL DEPARTMENT.

50. The Judicial Power of the Commonwealth is vested in a supreme court, in a court of intermediate appeal or superior court, and in lower courts known as courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, aldermen's courts and justices' courts. Some of these courts were created by the Constitution, others by the General Assembly.¹

51. The Supreme Court consists of seven judges chosen by the electors of the State. If two judges are to be chosen, no elector may vote for more than one, and if three are to be chosen, he may vote for but two, thus giving the minority party the power to elect one of the judges. They are elected for one term of twenty-one years, and are not eligible for re-election. In case of a vacancy in the court the governor appoints a judge to fill the vacancy, who serves until a judge elected at the next general election is commissioned. The judges of the supreme court are called justices, to distinguish them from the judges of the lower courts. The justice longest in service is the chief justice. The jurisdiction of the supreme court extends over the entire State, and is both original and appellate.² The original jurisdiction of the court is its authority to decide cases that originate or are first brought to trial in the supreme court; it is exercised in cases in which a corporation is the defendant in a suit brought to enjoin or prevent the corporation from doing a particular act; in cases in which persons confined or imprisoned petition the court to decide whether their imprisonment is lawful; in cases commanding a lower court to perform a particular act; and in cases in which the authority of a State officer is questioned. Its appellate juris-

¹ See *Art. V. Sect. 1.*

² See *Art. V. Sects. 2 and 3.*

diction is its authority to decide cases that come to the supreme court by appeal from a lower court; it is exercised in all cases that have been previously tried in a lower court, and which, as provided by law, have been appealed to the supreme court for a final decision. Most of the cases tried in the supreme court are appellate and have been previously tried in a lower court. When a case is appealed from a lower court to the supreme court, the evidence submitted in the lower court and the record of the case, printed in pamphlet form and known as the "paper book" of the case, are presented to the supreme court, which examines the evidence and hears the arguments of counsel. No new evidence is admitted, and there is no jury. The opinions of a majority of the justices form the opinion or decision of the court, which is final unless the case involves the Constitution or laws of the United States, when it may be appealed to one of the inferior courts of the United States, and possibly by successive appeals it may reach the supreme court of the United States. The reporter of the supreme court, who is appointed by the governor, compiles the decisions of the court and superintends their publication. These volumes constitute the Supreme Court Reports, and are the precedents for subsequent decisions by both the supreme court and the lower courts. The supreme court holds sessions each year in Philadelphia, Harrisburg, and Pittsburgh. The salary of the chief justice of the supreme court is \$8500; that of the other justices, \$8000 per annum.

51a. The Court of Intermediate Appeal, or Superior Court, created by the General Assembly in 1895, consists of seven judges, learned in the law, elected for ten years. Six candidates may be voted for by the electors, thus securing minority representation similar to that provided by the Constitution in the organization of the supreme court. The court is required to meet at least once a year in Philadelphia, Pittsburgh, Harrisburg, Scranton, and Williams-

port. It may meet at other county seats. The object in creating this court was to expedite the judicial business of the State by relieving the supreme court. The court has no original jurisdiction except that it may issue writs of *habeas corpus*. It has final and exclusive appellate jurisdiction in civil cases in which the value in controversy does not exceed \$1000 and in other cases as prescribed by law. The salary of a superior court judge is \$7500 per annum.

52. The Lower Courts.—The Commonwealth is divided into fifty-four judicial districts. Each county having a population of forty thousand or more forms a separate judicial district, in each of which one or more judges are elected.¹

Counties having a population of less than forty thousand are united to constitute a district or are attached to an adjoining district. Not more than four counties can be included in one district. In these united districts a judge is chosen jointly by the electors of the several counties composing the district. This judge is called the president judge. He must be “learned in the law.” In each of the counties so united, one or more associate judges who need not be “learned in the law” are chosen by the electors of the respective counties.²

The judges of the courts in each separate judicial district, and the president judge in the united districts, are chosen by the electors therein to serve for ten years; the associate judges are elected to serve for five years. They are all eligible for re-election. Vacancies in the lower courts are filled in the same manner as in the supreme court. The salaries of the judges in the lower courts in Philadelphia are \$7000; in Allegheny county, \$6000; in Dauphin county, \$5000; and in the other districts, \$4000 per annum.

¹ See page 124.

² See *Art. V. Sect. 5*. In the populous counties, instead of creating new judicial districts the number of the judges is increased; thus Luzerne county has four, Allegheny county nine, and Philadelphia sixteen judges.

The lower courts of the State consist of the courts of common pleas, which decide civil cases; the courts of oyer and terminer and general jail delivery, which decide cases of a felonious nature, such as murder, arson and burglary; the courts of quarter sessions of the peace, having jurisdiction in such criminal cases as larceny and assault and battery; orphans' courts, which settle the estates of deceased persons; magistrates' courts, aldermen's courts and justices' courts, having jurisdiction in minor civil cases,¹ in such criminal cases as misdemeanors and minor violations of law, and having authority to release on bail or to commit to jail to await trial by the district court² all persons accused of more serious crimes.

53. The Income of the State is derived from fees received for granting charters; from taxes on the capital stock of corporations and associations, on loans created by corporations, on the gross receipts of transportation and electric light companies, on premiums received by insurance companies, on the net earnings of brokers, private bankers and saving institutions; from the sale of land belonging to the State, from licenses, fines and penalties, from interest on Government bonds owned by the State, from the State tax on personal property, from the collateral inheritance tax, from escheats and from various other sources.³

¹ Magistrates may have jurisdiction in civil cases to an amount not exceeding \$100, and aldermen and justices of the peace to an amount not exceeding \$300. Usually, cases in which the amount in dispute is not more than \$100 are settled in these courts, but the absolute jurisdiction of these officers is but \$5.33, and when a larger amount is at issue the case may be appealed to the district court and finally to the higher courts.

² The district court is popularly known as the county court.

³ **The Collateral Inheritance Tax.**—A person dying and leaving property may have two classes of heirs—*direct* and *collateral*. In general terms, direct heirs are parents, husband or wife, children and grandchildren. Collateral heirs are brothers and sisters, nephews and

54. The State Tax on Personal Property is a tax of four mills on the dollar, payable by every citizen who is the owner of a mortgage, promissory note or obligation of any kind bearing interest, of certain kinds of bonds and stocks, of vehicles to hire or of an annuity yielding over two hundred dollars annually.

nieces, cousins, etc. On any inheritance received by a collateral heir a tax must be paid to the State.

Escheats.—When a person dies leaving property, not having made a will and having no heirs, either direct or collateral, to inherit the property, the State becomes the heir, and the property escheats to the State—that is, it becomes the property of the State.

THE COUNTY.

55. The County.—The State of Pennsylvania is composed of sixty-seven counties, each of which has an organized government of its own, subordinate to the government of the State. New counties may be organized by the General Assembly, but no new county may be established less than four hundred square miles in extent or with less than twenty thousand inhabitants.¹ Each county is a corporation. The officers of the county are the clerks of the courts, the prothonotary, the recorder of deeds, the register of wills, the district attorney, the jury commissioners, the county solicitor, the county commissioners, the sheriff, the county treasurer, the county auditors or county controller, the county surveyor, the coroner, the directors of the poor, the mercantile appraisers, and the county superintendent of schools. Some of the county offices were created by the Constitution, others by the General Assembly.² All the county officers except the county solicitor, the mercantile appraisers and the county superintendent of schools are chosen by the electors to serve for three years, and they must have been citizens and residents of the county for at least one year previous to their election. Some county officers are paid a salary for their services, and some are paid by fees. There is considerable variation in the compensation of county officers in different parts of the State.³

¹ See *Art. XIII.*

² See *Art. XIV.* In addition to the officers named, there are in some counties officers, known as prison inspectors, appointed by the courts or by the county commissioners to serve for one year. In some counties the county commissioners are *ex-officio* prison inspectors.

³ This variation is due to special legislation. Whether the officials in any county are paid by salary or by fees, and the amounts thereof, can be accurately learned only therein. (See *Art. XIV. Sect. 5.*)

56. The County Courts are the courts of the judicial districts into which the State is divided.¹

In a county forming a separate judicial district the judges and all the officers of the court are chosen by the electors of the county; the number of courts and of the judges is determined by the amount of its population and legal business. In some of the counties the functions of all of the different courts, common pleas, oyer and terminer, quarter sessions and orphans' courts, are exercised by one court with but one judge, while in Philadelphia sixteen judges are needed to dispose of the business of the courts.

When several counties are united to form a judicial district, the president judge is chosen jointly by the electors of the several counties composing the district, but the associate judges and the other court officers in each of the united counties are chosen by the electors therein. Each of the united counties has its own court, and the president judge presides in turn in each of them.²

57. The Clerks of the Courts, the Prothonotary, the Recorder of Deeds and the Register of Wills.—Originally the duties of all of these officers were performed by one person, the prothonotary. At the present time in some counties one person is chosen to act as prothonotary and clerk of the courts, and one person as register of wills and recorder of deeds. In a few counties one person only is chosen to perform the duties of all four of these officers.

Usually, the clerk of the courts is the clerk of the courts of quarter sessions and of oyer and terminer; he frequently acts as clerk of the orphans' court, although in some counties a separate clerk is chosen for this court.³

The clerks of the courts attend personally at all the sessions of the courts, make a record of their proceedings, and certify to these records; they issue attachments or notices

¹ See *Art. V. Sect. 5*, and page 124.

² See note, p. 124.

³ The number of clerks of the courts and their respective duties in any county can be accurately learned only therein.

calling into court such persons as the judges may direct to be present; they call jurors and witnesses before the court and administer the oath to them, and they perform such other duties as may be necessary.

The clerk of the court of quarter sessions has charge of all business relating to liquor licenses and to laying out new roads or streets. He receives and keeps a record of the returns of township, borough and city elections.

The prothonotary is the clerk of the court of common pleas.¹ He has charge of the seal of the court, and affixes it to all writs, processes and documents that require it. The records of all the business of the court are in his possession. All judgments and mechanics' liens² are entered on his docket. He is empowered to administer oaths and affirmations in conducting the business of his office. He reports annually to the secretary of the Commonwealth the number and nature of criminal cases, acquittals and convictions in the criminal courts. He receives and keeps a record of the returns of county, State and national elections.

In the office of the register of wills are recorded and kept the wills of all deceased persons. A copy of the will

¹ In Philadelphia the prothonotary is chosen by the judges of the courts. In some counties the prothonotary is clerk of the courts of oyer and terminer and of quarter sessions; in others he is clerk of the orphans' court. By the act of Assembly of 1893 the clerk of the orphans' court keeps a record of births and deaths in the county, from reports furnished by the assessors of taxes.

² A judgment is an evidence of debt. It may be obtained by a suit at law, or it may be given voluntarily by the debtor. In the latter case it is called "judgment by confession." Judgments when recorded in the prothonotary's office constitute claims against the real estate of the debtor, and take precedence in the order in which they are recorded.

Mechanics and those who furnish material have a claim called a *lien* upon buildings which they have constructed or repaired, or for which they have furnished the material. This lien must be filed with the prothonotary within six months after the completion of the work. It is a first claim on the building.

is given to the executors named in the will. If a person dies leaving property and making no disposition of it by will, the register appoints administrators, who have power to distribute the property as provided by law. The division of the estate of a deceased person is made under the supervision of the orphans' court.¹

The recorder of deeds is an important officer to the community. He has charge of the books in which are entered the record of all transfers of real estate.

The people are constantly buying and selling land, making agreements, executing deeds and mortgages, forming partnerships and contracts of various kinds. All transfers of property in the county, all deeds, mortgages and many other papers, are by law required to be recorded in the office of the recorder. So important is the matter of time in recording these documents that every paper entered of record is marked with the day of presentation; some papers, such as mortgages, are marked with the exact hour of the day when presented. The purpose of so much detail is to fix exactly the time when a claim of right is made. Claims of right often rank according to their priority.

58. The District Attorney.—It is the duty of the district attorney to prepare the indictment or formal charge against accused persons and submit it to the grand jury, and to prosecute all persons charged with the commission of crime or offences against the law who are brought before the court for trial. The duties of the district attorney are such that a lawyer must necessarily be chosen for this office.

59. The Jury Commissioners² are two officers who, in connection with one of the judges, select each year, from the whole body of electors of the county, a sufficient num-

¹ In some counties the register of wills is clerk of the orphans' court. (See *Art. V. Sect. 22.*)

² In electing jury commissioners, no elector may vote for more than one candidate, thus giving the minority party the power to elect one of the commissioners.

ber of sober, intelligent and judicious persons to serve as jurors in cases brought before the courts for trial. The total number of jurors selected is decided by the judge, who estimates the number required for the year from the probable need of the courts. The electors are selected from all the cities, boroughs and townships in the county in proportion to their whole number of electors. The names of the electors selected are placed in the jury-wheel. Previous to each term of court the jury commissioners and the sheriff draw from the jury-wheel the names of those electors who are to serve on the jury during the next term. The first twenty-four drawn constitute the grand jury;¹ there are then drawn a sufficient number to serve

¹ One of the grand jurymen is always excused, so that but twenty-three of them serve. The district attorney submits to them the *indictment*, or written charges and evidence against accused persons. They examine the evidence, and if twelve of them agree that it is sufficient to justify a trial, they write on the back of the indictment "A true bill," and the accused person must then be tried by the court. If twelve of them do not agree that the evidence is sufficient, they write on the indictment "Not a true bill" or "Ignored," and the accused person is discharged. The district attorney has power in any case to enter a *nolle prosequi*. This means that he will not prosecute or proceed any further in the case, and the accused is discharged. A *nolle prosequi* does not acquit the accused: he may be indicted again.

A Criminal Case is one in which suit is brought in the name of the Commonwealth against an accused person for taking or endangering the life, health, property or reputation of a citizen. The grand jury having found "a true bill," the case comes into court for trial. The State is the *plaintiff*, or the one that complains, and the accused person is the *defendant*. The prosecution is conducted by the district attorney. A jury of twelve is drawn and sworn to decide the case according to the evidence submitted. In selecting the jury the district attorney and the attorney for the accused may each peremptorily challenge and reject four jurors without assigning any reason. Each attorney may challenge and reject as many more jurors as the court will permit *for cause*—that is, if he can show cause why they should not be allowed to serve. The district attorney first presents the case to the jury, and submits the witnesses and evidence in support of the prose-

as petit jurors, who decide the cases tried in the courts, the number needed being estimated by the judge.

cution. The attorney for the defendant follows with his statement of the case, and submits the witnesses and evidence for the defence. The witnesses on both sides are sworn or affirmed to tell nothing but the truth in their statements. This imparts solemnity to the proceedings and makes each witness guilty of perjury if he does not tell the truth. The judge reviews the evidence and explains to the jury the law which applies in the case, after which the jury retires to consult and deliberate upon the verdict. During their consultation they cannot communicate with any one but the judge. A verdict is the unanimous opinion of the jury. Their verdict is "Guilty" or "Not guilty." If the accused is found guilty, the sentence is imposed by the judge. Sometimes a person found guilty is granted a new trial for reasons satisfactory to the judge; sometimes the case is appealed to the supreme court, if permission to do so is granted by one of the justices of the supreme court. The supreme court may decide the case or may order a retrial by the lower court. If the jury disagree, they are discharged, and the accused is tried again before another jury, except in case of murder or other crime involving the death penalty, in which cases the supreme court has decided that the accused cannot be tried again, as the Constitution provides that "No person shall for the same offence be twice put in jeopardy of life." (*See Art. 1. Sect. 10.*) If the accused is found "Not guilty," he cannot be tried again for the same offence.

A Civil Case originates in a breach of contract, which is an agreement to do or not to do a particular thing. Contracts are *expressed*—that is, stated formally in writing or orally before witnesses—or *implied*—that is, such as reason and justice dictate. If I employ a person to work for me, the law implies that I shall pay him for his services. It is implied in all contracts that if I fail to perform my agreement I shall pay the other party such damages as he may sustain by my neglect.

Civil cases are not acted upon by the grand jury. The party who brings the suit is the plaintiff; the one who defends himself against the suit is the defendant. Each party usually seeks the advice of an attorney. If the parties cannot come to an amicable settlement, the case is taken into court for trial. Before the trial begins a jury is drawn and sworn to decide the case according to the evidence presented. In selecting the jury twelve jurors are drawn. If either side is not satisfied with the twelve jurors as drawn, eight more are drawn, and from these twenty, each attorney challenges or rejects four; the twelve remaining compose the jury. By mutual consent the case may be settled by

60. The County Solicitor is chosen by the county commissioners; he appears before the courts and acts as the county's attorney in all civil actions to which the county is a party. He advises the county officers on all matters of law connected with their departments, and acts for the county in all cases in which its legal interests are affected.

61. The County Commissioners are three officers who erect and exercise supervision over the public buildings and structures of the county, such as the court-house, the jail, and the bridges. They have the power to revise and correct the valuations of property as made by the assessors; they determine the amount of money necessary to be raised by taxation for the government of the county, and fix the rate of taxation; they instruct the assessors; they verify the standards of weights and measures, so that the people shall not be cheated by false balances; they supply the tickets or ballots to be used at all elections, and provide suitable polling-places throughout the county; they authorize the payment of the county funds; and they represent the county when a suit at law is on trial in which the county is a party. They are empowered to borrow money for county purposes, subject to the limitations prescribed by the State Constitution.¹

62. The Sheriff is the executive officer of the county and of its courts. He is the constable of the county, and the judge alone, but usually it is decided by the jury. The method of trying a civil case is, in the main, similar to that in a criminal case. The verdict of the jury is "For the plaintiff" or "For the defendant." In most civil cases the jury fixes the amount of damages, and the amount named is a part of the verdict. Either the plaintiff or the defendant may appeal the case to the supreme court if the verdict of the jury is not satisfactory.

¹ See *Art. IX. Sect. 8.* At the election for the three commissioners no elector may vote for more than two candidates. This gives the minority party the power to elect one of the commissioners. (See *Art. XIV. Sect. 7.*)

has jurisdiction over all its territory. The decrees of a county court, if to be executed in another county, are executed by the sheriff of that county; if to be executed in another State, they are executed, with the approval and direction of the governor of that State, through a sheriff in that State. If a taxpayer refuses to pay his taxes on real estate after assessment and demand by the proper officers, the sheriff is empowered by the State to seize the property of the delinquent and expose it for sale. From the proceeds of the sale he deducts the taxes and the expenses of the legal proceedings and sale, and returns the remainder, if any, to the former owner of the property. He serves all processes of court both in civil and criminal matters. When necessary, he sells property belonging to debtors who have confessed judgment,¹ or against whom judgments have been decreed by the courts. From the nature of his office he receives large sums of money, and is consequently under heavy bonds. He is usually the highest paid officer in the county. He has the care of the county prisons, and is responsible for the safekeeping of the prisoners. He assists the jury commissioners in drawing juries, and has charge of the jury-wheel. He summons electors who have been drawn as jurors, notifying them when to appear in court. He issues proclamations for all elections, and is required to maintain the peace of the county. In case of a riot he may summon the *posse comitatus*, that is, the citizens of the county, to assist him. If this aid is not sufficient, he may call upon the governor of the State. If the State is unable to quell the violence, the governor may call upon the President, who shall in that case employ the armed forces of the United States for the maintenance of the laws of the State. He is not eligible for election for two successive terms.²

63. The County Treasurer receives all moneys paid

¹ See note 2, page 41.

² See *Art. XIV. Sect. 1.*

into the county treasury, such as taxes, fines and license-fees. He transmits to the State treasurer the State tax collected in the county, and all other moneys received by him for the State. He pays out the county's money upon warrants issued by the county commissioners or by other officers, as provided by law.¹ In his office are preserved the financial records of the county. He is under bonds for the faithful performance of his duties and for the safe-keeping of the county's money. He is not eligible for election for two consecutive terms.²

64. The County Auditors.—In counties having a population of less than one hundred and fifty thousand, three auditors are elected, whose duty it is to examine the accounts of officers who have received and disbursed the county's money, and to publish an annual report of the county finances.³

64a. The County Controller.—In counties having a population of one hundred and fifty thousand and over, a county controller is elected whose duties are similar to those of the county auditors. He has the supervision of the financial accounts of the county officers and reports to the county commissioners any default or delinquency that he may discover.

65. The County Surveyor is elected to secure accuracy and skill in the construction of roads and bridges and in the survey of land. His knowledge tends to bring all engineering work done for the county to a desirable uniformity and economy. He prepares maps of the county, makes

¹ The directors of the poor and some other officers are in some counties, through special legislation, empowered to issue warrants payable by the county treasurer.

² In some counties the State and county taxes are collected by the county treasurer or by collectors appointed by him.

³ In electing county auditors no elector may vote for more than two candidates, thus giving the minority party the power to elect one of the auditors. (*See Art. XIV. Sect. 7.*)

plans of surveys, and frequently serves the cause of justice by surveying disputed claims.

66. The Coroner.—The principal duty of the coroner is to hold an inquisition, commonly called “the coroner’s inquest,” with the assistance of six electors called “the coroner’s jury,” over the body of any person who may have come to a violent death or who has died in prison. He commits to prison, to await trial, any one found guilty of homicide by the coroner’s jury. The duties of the coroner are of great importance to society, both in bringing criminals to punishment and in protecting innocent persons from accusation. In case of the death of the sheriff or of his removal from office, the coroner acts as sheriff until another sheriff is elected.

67. The Directors of the Poor are three officers who, in those counties having an almshouse, have the management of it, and who take care of the paupers of the county. One director is chosen annually to serve for three years.

68. The Mercantile Appraiser is appointed annually by the county commissioners to assess the tax on all vendors of merchandise. He ascertains the amount of yearly sales of each dealer, and on this amount a tax is assessed. This tax belongs to the State.¹

69. The County Superintendent of Schools.—This officer is elected triennially by the school directors of the county assembled in convention. His duties are to examine and to grant certificates to persons desiring to become teachers in the public schools; to conduct teachers’ institutes, to visit schools, generally to promote the educational interests of the county, and to report annually to the State superintendent the condition of the schools of the county.²

¹ In Philadelphia the mercantile appraisers are appointed by the State auditor-general and the city treasurer.

² According to the ability and experience of the candidate, the superintendent grants either a provisional certificate which authorizes the

The county officers usually have their offices at the county-seat, a town convenient of access from all parts of the county. The size and shape of a county are determined by the legislature at the time of its creation; its extent coincides practically with the common interests of a group of people. Experience has proved that for convenience in government a county should have about four hundred square miles; usually in a county of this size a citizen may leave his home, attend to any business he may have at the county-seat, and return the same day. As the facilities for travel improve, the interests of the people of a county become more identified. Their county interests cause them to assemble at county fairs and county meetings and give them cause for a proper county pride.

Many counties are named after distinguished men, as Washington, Adams, Franklin, Fulton, Jefferson, McKean, Monroe, Perry, Wayne; others are named after cities and towns in England—Chester, York, Somerset, Northampton; some have Indian names—Susquehanna, Wyoming, Indiana, Juniata.

The division of the State into counties, and our system of county government, originated in similar features that existed in England long before the Norman conquest; but

owner of it to teach for one year, or a professional certificate which authorizes the owner of it to teach until one year after the expiration of the term of office of the superintendent who granted it.

The salary of the county superintendent is determined by the school directors of the county in their triennial convention. A State law fixes the maximum salary at \$2000 per annum and the minimum salary at \$1000, according to the size of the county, the number of the schools and the length of the school terms. The directors may determine upon a higher salary than \$2000, conditioned that any amount above \$2000 shall be taken out of the county's share of the State appropriation to schools.

the officers of the county, or shire, as it was then called, were not chosen by the people: they were appointed either by the king or by a representative of the king.¹

¹ The early colonists of this country brought with them from England the forms and customs with which they were familiar. England, before the Norman conquest, was divided into shires, a shire being a share or part of the whole country. The executive officer in the shire was the *shire-reeve*, the predecessor of our sheriff; the power of the sheriff to call the *posse comitatus* to his aid may readily be traced to the old "hue and cry."² When the Normans conquered England they changed the name of shire to county. In early English literature we may read of the "crowner," an officer appointed by the Crown, who has his successor in the coroner of to-day.

² Read Chapter III., page 22, *Thorpe's Course in Civil Government*.

THE TOWNSHIP.

70. The Township.—Each county in this State is composed of townships, each of which has an organized local government, subordinate to the government of the county in which it is located and to the government of the State.¹ Townships may be divided and new townships formed by a majority vote of the electors of the proposed new townships, permission to vote for this purpose having first been granted by the county court on the petition of the electors interested. Townships are empowered to borrow money for township purposes, subject to the limitations prescribed by the State Constitution.² The township is the unit of civil government in the State. The officers of the township chosen by the electors are the justices of the peace, the constable, the school directors, the supervisors, the assessors of taxes, the tax-collector, the auditors and the township clerk. In some townships a treasurer, a clerk and two overseers of the poor are elected.³

71. The Justice of the Peace.—The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justice's court. The justice of the peace presides in this court and hears and determines suits at law. These suits grow out of the interests and disputes constantly arising

¹ See *Art. XIV. Sect. 6.*

² See *Art. IX. Sect. 8.*

³ **The Township Treasurer** has the care of the township's money, which he pays out on orders drawn by the supervisors.

The Township Clerk acts as secretary for the supervisors; he keeps a record of stray cattle and other animals and notifies the owners thereof.

Overseers of the Poor.—In townships located in a county that has no county almshouse, two overseers of the poor are elected, who determine the amount of money to be raised by taxation for the relief of the poor of the township, and expend it for their support.

in every community. Usually, suits in which the value in dispute is not more than one hundred dollars are decided by the justice;¹ from his decision, if the value in dispute exceeds \$5.33, the parties may appeal to the county court, and subsequently to the supreme court of the State. Two justices are chosen by the electors to serve for five years, but frequently only one of them applies for his commission.²

The justice is authorized to issue warrants for the arrest of any one who violates the laws or is accused of crime. In cases of misdemeanor or minor violations of the law he imposes upon the offender a fine or short imprisonment; in more serious cases he sends the case to the county court, and releases the accused person on his giving bail or security to appear in court when summoned for trial. If the accused cannot give bail satisfactory to the justice, and in cases which are not bailable, such as murder, the accused is sent to jail, where he remains until his case is tried in court, unless he is released by a judge of the court through a writ of *habeas corpus*.³

The justice of the peace is authorized to administer oaths or affirmations, to perform the marriage ceremony and to attest signatures, deeds and other documents. Under some circumstances the justice of the peace is empowered to perform in the township the duties of the coroner. A justice of the peace in any township has jurisdiction throughout the county.

72. The Constable is elected to serve for three years. He holds an office of great antiquity. He is responsible for the peace of the community. Under the authority of a *warrant* issued by a justice of the peace or of a judge

¹ See note page 37.

² The justice must be commissioned by the governor before he can exercise the duties of his office.

³ A writ of *habeas corpus* is an order issued by a judge directing the sheriff to produce the accused person in court, that the cause of his imprisonment may be inquired into.

of the courts, he arrests accused persons,¹ delivers them at the county jail when committed thereto by the justice, examines premises suspected of containing stolen goods and levies upon and sells the property of debtors when judgment has been obtained against them in the justice's court. He serves all notices, subpoenas and summonses issued by the justice, and those issued to him by the courts; he gives public notice of all elections; and he attends at each term of the county court to testify in cases of which he may have information.

73. School Directors.—The educational interests of the community are committed to a board of six directors, two of whom are elected annually to serve for three years. They regulate the length and occurrence of the school term, the order of school studies, the selection of textbooks and the supply of school material and furniture; they employ and discharge teachers and superintendents; and they determine the amount of money to be raised by taxation for building school-houses and for maintaining schools. They are empowered to borrow money for purchasing ground for school purposes and for erecting school-buildings.² Once every three years the school directors of the county meet in convention and elect a county superintendent of schools. They receive no compensation for their services. Women may be chosen to serve as school directors and as superintendents; these are the only offices to which they are eligible in this State.

74. The Supervisors are responsible for the condition of the public roads. The electors in each township annually choose two supervisors, who determine the amount of money to be raised by taxation for road purposes. They keep a record of their receipts and expendi-

¹ If he is unable to arrest an accused person or to subdue a riot, he may call upon the *posse comitatus*, that is, the citizens of the township, to help him. If their aid is not sufficient, he may call upon the county sheriff. (See ¶ 62, page 46.)

² See *Art. IX. Sects. 8 and 10.*

tures, and submit the same to the township auditors. The highways of this country are, as a rule, inferior to those of Europe, but in many parts of this State earnest efforts are being made looking to a systematic and methodical improvement of the condition of our public roads.¹

75. The Assessor of Taxes is chosen by the electors to serve for three years.² He receives from the county commissioners an order called a *precept*, requiring him to make out and return to them a just and accurate list of all taxable persons and property within the township, with a just assessment and valuation of such property. This general assessment is made once every three years, and is called the "triennial assessment." In the other two years the assessor re-assesses property which has advanced in value or on which new buildings have been erected or old ones improved.³ The assessor is required also to ascertain from citizens the value of property belonging to them, if any, liable to the State tax.⁴ The elector who owns no property is assessed for his profession or occupation, on which he pays a small tax for the use of the county. The assessor each year prepares a list of all the electors of the township for the use of the election officers.⁵ He reports annually

¹ There is considerable variation in the matter of supervision of roads in different parts of the State. In some townships three or more supervisors are elected; in some, the care of the roads is sold at auction to the lowest bidder. It is a common practice to allow the property-owner to work on the roads and assist in keeping them in order instead of paying his road-tax.

² Two assistant assessors are also elected, who serve only during the year in which the triennial assessment is made.

³ If a citizen thinks his property has been assessed too high, he may appeal to the county commissioners, and from them to the county court, for a re-valuation.

⁴ The State tax is a tax of four mills on the dollar on certain kinds of property, and is collected for the use of the State. (See ¶ 54, page 38.)

⁵ The law provides that this list shall be displayed upon the door of the building in which the election is held, for three months immediately preceding the fall election.

to the clerk of the orphans' court the births and deaths in the township. As the assessment of property determines the amount of tax that each citizen has to pay, the assessor should always be a man of integrity and sound judgment.¹

76. The Tax-Collector is chosen by the electors to serve for three years. He collects from the taxpayers the amount of tax due from them. The methods of collecting taxes vary in the State. In some townships the State and county taxes are collected by the county treasurer or by collectors appointed by him. The road-tax is usually collected by the supervisors or by a collector appointed by them. In some townships the school directors appoint a collector of the school-tax. In some townships the tax-collector chosen by the electors collects all the taxes.

77. The Auditors.—In order to learn from time to time how the township money is being used, three auditors are chosen by the electors, one being chosen each year to serve for three years. The auditors annually examine the accounts of the school directors, supervisors, overseers of the poor and other township officers, and publish a report showing the receipt and expenditure of the township money.

The township is one of the oldest institutions in government; we can trace its history back to our Saxon ancestors in the wilds of Germany. Groups of families there met together to make such regulations as common interests required. "Around the group of houses in a German village there was arranged, for purposes of defence, a hedge or a fence, called a *tûn*. The village with the surrounding country containing the fields and pastures of the townsmen was called the *tun-scipe* or *township*." In New England and in some of the Western States the county is divided into towns, and not into townships. In

¹ Read ¶ 100, p. 58, *Thorpe's Course in Civil Government*.

some of the Southern States the county is divided into parishes. In Louisiana the county is known as the parish. In the Western States the public domain is divided into tracts of land six miles square, called congressional townships, which may or may not be identical with the civil townships or towns into which a county is divided. A town in New England is similar to a township in this State. In the New England town the government is carried on directly by the electors assembled in the town meeting.¹

THE SCHOOL DISTRICT.

78. For the convenience of the people, the townships are divided into school districts, in which, minor matters connected with the operations of the schools are usually attended to by the school directors residing within the districts, subject to the approval of the township school-board. In boroughs and other thickly-settled communities, the district is usually formed into an independent school district, in which the electors choose a board of school directors which has charge of the schools of the district, and which has the same powers as a township school-board.²

¹ Read paragraphs 39, 91, 225 and 226, *Thorpe's Course in Civil Government*.

² See ¶ 73, page 53. When the people of any community desire to form an independent school district, a petition, signed by not less than twenty tax-payers, residing within the proposed district, is presented to the court of quarter sessions, asking for the formation of an independent district. If the court approves, the petition is granted and the district incorporated.

THE BOROUGH.

79. The Borough.¹—When the population of a community increases to such an extent, and its interests become so varied, as to require a form of government with greater powers than that of the township, it usually forms itself into a borough by a majority vote of the electors and the approval of the county court.² In a small, newly-formed borough the government is similar to that of the township, the main difference being the provision for a burgess or mayor and a council chosen by the electors. In the larger boroughs, having a population of several thousand, the form of government is mainly the same as in the small boroughs, but is more complex, owing to the more varied and diverse interests of a greater number of people. When the welfare of the borough requires it, the county court may divide it into wards on the petition of a majority of the electors. When the population of a borough amounts to ten thousand, it may be chartered as a city, if a majority of the electors at a general election shall so decide. In most of the States our large boroughs would be called cities. The officers of the borough are the burgess or mayor, the councilmen, assessor, tax-collectors, treasurer, auditors, justice of the peace, constable and school directors.³

¹ The form of borough government herein described is the form required under the present State Constitution. The form of government in boroughs incorporated previous to the adoption of the present State Constitution varies in some respects from the form given.

² The electors petition the court for incorporation as a borough. The petition is referred by the judge to the grand jury. If the grand jury report favorably, the petition is granted and the borough incorporated.

³ Sometimes, in newly-formed and small boroughs, the schools are under the jurisdiction of the school directors of the township in which the borough is located, but usually the borough forms an independent school district, and elects its own school directors.

80. The Burgess or mayor is chosen by the electors to serve one term of three years, and is not eligible to the office for the next succeeding term. He is not a member of the council. It is his duty to approve and sign ordinances and resolutions passed by the council, or to veto those which he does not approve. Any ordinance or resolution vetoed by the burgess may be re-passed over his veto by a two-thirds vote of all the members of the council. The burgess is *ex-officio* a justice of the peace.¹

81. The Council.—The members of the council are chosen by the electors, usually to serve for three years, two or more being chosen each year.² They elect one of their own number to serve as president. It is the duty of the council to take such action and enact such laws and ordinances as will promote the general welfare of the people of the borough. All the public interests of the people of the borough are under its control. The nature and the importance of these interests increase with the increase of the population of the borough. The laws which the council makes must not conflict with the laws of the State or of the United States. In the larger boroughs the subjects considered by the council are highways, crossings, care of the poor, public health, water-supply, lighting the borough, police service, suits at law to which the borough is a party, and all other matters of interest to the people of the borough. The rate of taxation in the borough is fixed by the council, and the borough expenses are under its control; it examines all bills, and, if correct, makes orders on the treasurer for payment of the same. The council is empowered to borrow money for borough purposes, subject to the limitations prescribed by the State Constitution.³ It appoints

¹ For his duties as a justice of the peace, see ¶ 71, page 51.

² In boroughs that are divided into wards, each ward elects at least one and not more than three members of council. In boroughs not divided into wards, the council consists of seven members.

³ See *Art. IX. Sect. 8.*

a clerk or secretary, who keeps a record of all the transactions of the council, and certifies to and makes public the ordinances and resolutions which it enacts.

82. The Treasurer is chosen by the council to serve for one year. He is the keeper of the borough's money; the taxes collected for the use of the borough are paid to him; he receives the money from the tax-collector and receipts for it; he receives all fines, license money and penalties; he pays out the money of the borough on the order of the council, duly presented in writing. He gives a bond for the faithful performance of his duties.

82a. The Borough Board of Health is appointed by the burgess, with the consent of the council; it consists of five persons, one of whom must be a physician; one member is appointed annually to serve for five years. The board is empowered to make regulations for the protection and preservation of the public health; to enforce measures necessary to prevent the spread of contagious and infectious diseases; and to construct temporary hospitals if necessary. The board is required to keep a record of marriages, births and deaths that occur in the borough and to make an annual report of their transactions to the council.

82b. The Borough Solicitor.—In many boroughs a solicitor is chosen by the council. He advises the borough officers on all matters of law connected with their duties, and acts as attorney for the borough in all matters in which its legal interests are affected.¹

¹ The duties of the other officers of the borough are the same as those of similar officers in the township.

THE CITY.

83. The City is a centralization of humanity and human interests. The government of a large city is more complex than the government of the State in which it is located. It is a corporation, and carries on its government under a charter granted by the State. The charter names the city, erects it into a political community and enumerates its privileges. The General Assembly may from time to time make such changes in the manner of conducting the government of a city as may be needed.

84. City Institutions.—For the welfare of its people a city is compelled to create charitable institutions, reformatory institutions, institutions for the punishment of offenders and educational institutions. The maintenance of these institutions and of public parks, the care of the streets, the provision for protecting the public health, the care of the poor, the erection of water-works, gas-works, electric-light works and public buildings, the equipment of a fire department, of a telegraph department, of an adequate police force for the protection of life and property, and the necessity for numerous officers and employés to carry on the government of the city, cause the taxes in the city to be much greater than in the rural districts.

85. Classification of Cities.¹—The cities in this State have been classified by the General Assembly as follows:

FIRST CLASS, having a population of 1,000,000 or more.

SECOND CLASS, “ “ “ “ 100,000 to 1,000,000.

THIRD CLASS, “ “ “ “ 10,000 to 100,000.

¹ The object of this classification is to secure compliance with that provision of the Constitution which prohibits special legislation. (*See Art. III. Sect. 7.*) Under this section any law enacted by the General Assembly in reference to a city would be applicable to every city in the State. A law needed in a large city might be useless, and even harmful,

86. Wards and Precincts or Voting Divisions.—For convenience in its organization and government the city is divided into wards, and usually the wards are subdivided into precincts or voting divisions. Wards differ in size and population in the same city.

87. The City of Philadelphia is the only city of the first class in the State. It is divided into thirty-seven wards, each of which is subdivided into precincts or voting divisions. In its government the legislative power is vested in the councils; the executive power is vested in the mayor, the director of the department of public safety, the director of the department of public works, the receiver of taxes, the city treasurer, the city controller, the city solicitor, the president of the board of education, the president of the department of charities and correction and the president of the sinking fund commission.¹

88. The Councils of the city comprise two bodies, the Select Council and the Common Council. The Select Council is composed of one member from each ward in the city, chosen by the electors therein to serve for three years. The Common Council is composed of one member for every two thousand electors in each ward, chosen by the electors therein to serve for two years. Each body elects one of its own members to serve as president, and the president of each

in a smaller city. By classifying the cities laws may be enacted suitable to the wants of any particular class. It has been thought by some that the law classifying cities was a violation of Art. III. Sect. 7 of the State Constitution, but the supreme court of the State has decided that the law is constitutional.

¹ All officers, clerks and employés in the different departments, except the assistants of the city solicitor, the officers and employés of the board of education, laborers and professional experts, are appointed by the director or head thereof, after a competitive examination. If any person personally solicits an appointment in favor of a candidate, it disqualifies such candidate from competing at any examination or for any appointment for one year thereafter, unless it can be shown that the solicitation was done with an intent to injure the candidate.

body appoints the committees for that body. The powers of the two bodies are mainly the same, except that the Common Council has the exclusive right to originate bills providing for taxation and raising money, while the Select Council has the exclusive right to confirm appointments made by the mayor and to try impeachments. All the laws necessary for the local government of the city are made by the councils. The laws they make are called ordinances, and must not conflict with the laws of the State or of the United States. The councils determine the amount of money necessary for the support of the different departments of the city government from estimates made by the departments, they fix the rate of taxation, and they apportion to each department the amount of money needed to defray its expenses. The councils are empowered to borrow money for city purposes, subject to the limitations prescribed by the State Constitution. Members of councils are not paid for their services.

89. The Mayor is the chief executive officer of the city, and is responsible for its good order and efficient government. He is chosen by the electors to serve for four years, and is not eligible for the next succeeding term. All ordinances and resolutions passed by the councils require his approval and signature; should he disapprove and veto any ordinance or resolution, it must be re-passed by a vote of two-thirds of all the members of councils before it can become a law. It is his duty to see that the ordinances of the city and the laws of the State, so far as they are applicable to the city, are faithfully executed; to communicate to councils at least once a year a statement of the finances and condition of the city's affairs; to recommend such measures as he shall deem expedient for the protection and improvement of the government and finances of the city; to call special meetings of councils, or of either of them, when necessary; and to call together the heads of departments at least once each month for consultation on the city's affairs.

He appoints a number of the executive officers of the city, subject to the approval of the Select Council. He has power to remove from office any head of department or other officer that he appoints. He may appoint, whenever he may think proper, three persons to examine, without notice, the accounts of any officer or department, and the money or securities belonging to the city in the hands of such officer or department. He is authorized to exercise the judicial power of a magistrate.¹

90. The Director of the Department of Public Safety is appointed by the mayor, with the approval of the Select Council. This department has the management and supervision of all matters relating to the public health, of the fire and police force, fire-alarm telegraph, inspection of buildings, boilers and markets and the food sold therein.²

¹ As the mayor's time is fully occupied with other and more important duties, he selects two of the magistrates chosen by the electors, and these magistrates in turn hold a magistrate's court every day at the city hall, for the purpose of hearing and disposing of such criminal cases, misdemeanors and violations of the law as may be brought before them. (See note 3, page 65.)

² **The Board of Health** is an organization connected with the department of public safety. The board consists of the mayor *ex-officio*, the director of the department of public safety, who is *ex-officio* a member and president of the board, and five citizens appointed by the mayor with the consent of the select council, to serve for three years. The board elects a president *pro tempore*, who acts when the director of public safety is absent. It is the duty of the board to enforce such measures as will prevent malignant, infectious and contagious diseases from becoming epidemic; to suggest and recommend the best methods of preventing such diseases, and the best course to be pursued should they make their appearance; to protect and preserve the public health by abating nuisances prejudicial to health, by carefully inspecting the drainage of the houses in the city, and by the use of such other hygienic and sanitary measures as may be necessary; and to prevent disease being brought into the city from other places, by carefully examining all vessels, their passengers and crews, arriving at this port. A record is kept by the board of all marriages, births and deaths that oc-

91. The Director of the Department of Public Works is appointed by the mayor, with the approval of the Select Council. This department has the management and supervision of the water-works and gas-works, the grading, paving, repairing and lighting of the streets; the construction, care and repair of public buildings,¹ bridges, wharves and public squares; and it has charge of the surveys, sewerage, drainage and of the city ice-boats.²

92. The Receiver of Taxes is chosen by the electors to serve for three years. He receives from the citizens all taxes and money due the city from loans, licenses, rents and other sources, and pays the same to the city treasurer.

93. The President of the Board of Education is elected by the board of education, of which he must be a member.

94. The President of the Department of Charities and Correction and a board of four directors are appointed by the mayor to serve for five years. They have the care and management of the almshouse, the hospital and the house of correction.

95. The Sinking Fund Commission is composed of the mayor, the controller and one other person chosen by the councils in joint session. It is the duty of the commission to see that the requirements of the law relative to the sinking fund are complied with. The sinking fund

cur in the city. The most important administrative officers of the board are the health officer, the port physician, the chief clerk, the medical inspector, the chief inspector of nuisances, the chief inspector of house drainage, the chief disinfecter, the inspector of milk, the quarantine master, and the Lazaretto physician, all of whom, together with a large number of inspectors, assistants and clerks necessary to carry on the work of the board, are appointed by the director of public safety, excepting the health officer, who is appointed by the governor of the State.

¹ The construction of the city hall is under the control of a commission authorized by the General Assembly.

² The city ice-boats are used to keep the channel of the Delaware River free from ice that would otherwise obstruct the navigation of the river.

was established to provide the means of paying and retiring, as they mature and become payable, the bonds issued for money borrowed by the city.¹

96. The Other Officers of the City are the city treasurer,² the city controller or auditor, and the city solicitor, each of whom is chosen by the electors to serve for three years. Their duties are like those of similar officers in the county and borough.

97. The Courts of the city of Philadelphia are the courts of the judicial district in which the city is located, in addition to which it has magistrates' courts for hearing and disposing of criminal cases, misdemeanors and violations of law, and civil cases in which the value in dispute is not over one hundred dollars.³

98. Public Schools.—The interests of the public schools of Philadelphia are entrusted to a board of education consisting of one member from each ward, appointed by the judges of the courts. The board elects one of its own members as president; it also elects a superintendent and six assistant superintendents to superintend the work of instruction in the schools, a secre-

¹ See *Art. XV. Sect. 3.*

² The city treasurer must have been a resident of the city for seven years prior to his election, unless he has been absent on business of the State or of the United States. He is not eligible for election for two consecutive terms. The methods of assessing taxes, revising the valuations made by the assessors, collecting the taxes and water-rents and providing for other matters required in the government of a large body of people are necessarily more complex than in the government of smaller bodies, but the general principle is the same.

³ One magistrate for each thirty thousand citizens is chosen by the electors to serve for five years. In each ward a constable is chosen by the electors therein for each five thousand citizens in the ward. Criminal cases are disposed of in magistrates' courts in the same manner as in the court of the justice of the peace (*see* ¶ 71, *page 51*), except that some offenders, instead of being sent to jail, are sent to the "House of Correction," where they are compelled to perform daily labor. For the magistrate's jurisdiction in civil cases, *see* note page 37.

tary, an assistant secretary and seven clerks to attend to the clerical work of the department, and a superintendent of buildings with five assistants, who superintend the erection and repair of school-buildings. The board regulates the course of study, selects the text-books, provides for the examination of teachers and has general supervision of the schools. Each ward elects a local or ward board of school directors, who elect the teachers and who attend to the local interests of the schools in their respective wards. The schools are maintained by appropriations made by the councils. The public-school system of Philadelphia is entirely distinct from that of the rest of the State.

99. Cities of the Second and Third Class.¹—In all important features the government of cities of the second and third class is the same as in a city of the first class. The differences that exist are mainly in matters of detail, in a smaller number of assistants and employés in the offices, departments and bureaus in the smaller cities, and in a less minute division and assignment of their duties. The Wallace law, under which the cities of Pittsburgh and Allegheny are governed, and the Bullitt law, under the provisions of which the city of Philadelphia carries on its government, are alike in spirit and in purpose. The enactment of these laws by the General Assembly indicates the demand of the people for a better and purer government, and the willingness of our representatives to comply with that demand. The government of our large cities to-day is a decided improvement over that of the past.

¹ Pittsburgh and Allegheny are the only cities of the second class in the State. For list of cities whose population entitles them to be classified as cities of the third class—*i. e.* having a population between 10,000 and 100,000—see page 128.

CHAPTER III.

HOW THE PEOPLE CHOOSE THEIR OFFICERS.

100. Political Parties form the most important agency in the government of the people. It is well for the State and for the nation that the people form different political parties. Errors in the administration of the government are less likely to occur, and are more quickly remedied, when one party keeps a close watch upon the policy and actions of its opponents.

101. Party Committees.—The interests of political parties are looked after by committees. Each prominent party has a national, a State, a county, a city, and frequently a township committee.

102. The Primary or Delegate Election is held for the purpose of choosing delegates to the conventions which nominate candidates for office. At the primary election only those are allowed to vote who belong to the party in whose interest the primary election is held.

In the Crawford county system of nominating candidates, so called because it originated in that county, each elector at the primary election votes directly for the persons whom he desires to become candidates for the different offices, and those persons receiving the greatest number of votes become the candidates.

103. Conventions.—Candidates for office are usually nominated in conventions. Each party holds its own conventions, which are composed of delegates belonging to the party in whose interest the conventions are held.¹

¹ Read Chapter V., page 44, *Thorpe's Course in Civil Government*.

104. Nominations.—Candidates for offices in the townships and the smaller boroughs are nominated either in party conventions of delegates chosen by the electors at the primary election, or in a caucus or informal meeting of the leading members of the party.

Candidates for offices in the cities, in the larger boroughs and in the counties are nominated in conventions of delegates chosen by the electors at the primary elections in the various voting divisions of the city, borough or county. The delegates to the county convention are frequently—in some counties always—instructed to vote for certain candidates for nomination.

Candidates for State offices are nominated in State conventions¹ composed of delegates from each county elected by the county convention. The State convention prepares an address called *the platform* of the party, which sets forth its principles and its policy and what it seeks to accomplish; it nominates candidates for presidential electors and it elects delegates to the national convention.²

Candidates for judges are nominated in conventions held in the judicial districts; candidates for the House of Representatives of the General Assembly are nominated in con-

¹ **The State Committee.**—The place and time for the State convention to meet is named by the State committee, which is composed of one member from each county in the State, appointed by the preceding State convention. The member of the committee for each county is suggested by the delegates in the convention from that county. The chairman of the State committee is selected either by the convention or by the candidates that the convention nominates. The *campaign*, which is the term applied to the time, means and efforts used to elect the candidates, is conducted chiefly by the chairman of the State committee, with the advice and assistance of the candidates.

² Sixty-four delegates, a number equal to twice the number of the State's representation in both houses of Congress, are elected by the State convention to represent the party in the State in the national convention which nominates candidates for the office of President and of Vice-President of the United States.

ventions in the representative districts ; candidates for the State Senate are nominated in conventions in the senatorial districts ; candidates for the national House of Representatives are nominated in conventions in the congressional districts.

Each political party in the various districts holds a convention, composed of delegates from each voting division in the district, chosen by electors belonging to the party holding the convention. When several counties are united to form a judicial district, a senatorial district or a congressional district, the delegates from each county are usually chosen in a convention held in that county, and are usually instructed to vote for some particular candidate.²

105. Nomination Papers.—Nominations of candidates for any office may also be made by nomination papers signed by qualified electors of the district or of the voting division for which the nomination is made. If the nomination is for any State office, such as governor or State

² Members of the national House of Representatives are chosen by the electors in the congressional districts ; the electors in each district choose the congressman for that district.

The Congressman-at-Large.—The representation of the State in the national House of Representatives is based on its population. By the census of 1880 this State was entitled to twenty-eight representatives ; by the census of 1890 it is entitled to thirty representatives. The General Assembly neglected to re-district the State immediately after the census of 1890, so we have but twenty-eight districts, but are entitled to thirty representatives. Under these circumstances two representatives are chosen by the electors-at-large—that is, voted for by the electors in all of the congressional districts. The congressman so chosen is called a congressman-at-large. As soon as the General Assembly re-districts the State the congressmen-at-large will be assigned to districts and the distinction will disappear.

The two senators who represent the State in the United States Senate are chosen by the General Assembly.

The President and Vice-President of the United States are chosen by the Electoral College, composed of presidential electors chosen by electors.

Read Chapter X., page 93, *Thorpe's Course in Civil Government*.

treasurer, the number of electors signing the nomination papers must be at least one-half of one per cent. of the largest vote cast for any State officer elected at the preceding State election. In all other nominations the number signing the nomination papers must be at least two per cent. of the largest vote for any officer elected at the preceding election in the district or in the voting division for which the nomination papers are made.

106. Making the Ticket.—The names of all the candidates nominated in the conventions for State offices, State senators, judges of the courts, members of the national House of Representatives and presidential electors, certified to by the president and secretaries of the conventions; and the names of all candidates nominated for the same offices by nomination papers, certified to by the affidavit of at least five of the signers to the papers, are sent to the secretary of the Commonwealth, who makes a correct list of all the candidates nominated for State offices and for presidential electors, and sends it to the county commissioners and to the sheriff of each county in the State; he also makes correct lists of all the candidates nominated for State senators, for members of the national House of Representatives and for judges of the courts, and sends them to the county commissioners and to the sheriffs of the counties located in the districts for which the nominations have been made.

The names of all candidates nominated for members of the House of Representatives of the General Assembly and for city, county, borough and township offices, certified to by the president and secretaries of the conventions in which they were nominated, and the names of all candidates nominated for the same offices by nomination papers or in caucuses or delegate elections held under the rules of any political party, and properly certified, are sent directly to the county commissioners, who from these lists prepare an exact official ticket and provide the

ballots needed in the county for use at the election. The sheriff issues a proclamation stating what offices are to be filled and the names of the candidates.

107. Election Officers.—At the annual spring election the electors in each voting division of the State choose one judge and two inspectors of elections. As but one judge is chosen, he is necessarily elected by the majority party, but, as no elector may vote for more than one inspector, each of the two leading parties chooses one inspector; each inspector appoints one clerk: these clerks perform the clerical work necessary in conducting the election.

108. The Election.—In Pennsylvania all elections are conducted under the “Baker ballot law,” which is a modification of the Australian ballot system. The general election, usually called the fall election, at which national, State and county officers are chosen, is held on the Tuesday next after the first Monday in November; the spring election, at which city, borough and township officers are chosen, is held on the third Tuesday in February.

109. Casting the Ballots.—The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor’s list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; the elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called “a straight ticket”—that is, to vote for every candidate of his political party—he marks a cross (X) within a circle which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the

candidates for whom he wishes to vote, or he may write in blank spaces left for the purpose the names of candidates of his own choice. He must fold his ballot so that no one can see how he has marked it, give it to the election officer having charge of the ballot-box, who numbers it and fastens down securely with adhesive paste the part marked with the number, so that it cannot be seen without cutting the ballot open, and deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.¹

110. The Result.—The ballots are received from seven o'clock in the morning until seven o'clock in the evening. As soon as the election is over the officers count the ballots for each candidate and prepare a written report or return of the same. This return is taken to the prothonotary of the courts when an election is held for national, State or county officers, and to the clerk of the court of quarter sessions when city, borough or township officers have been chosen. The prothonotary places the return before the judge of the court of common pleas, under whose supervision the return is examined, and, if found correct, he certifies to it and the prothonotary then sends it to the secretary of the Commonwealth at Harrisburg, by whom it is recorded, and, excepting in a few instances, commissions are issued by the governor to the successful candidates. The candidates who were elected to the city, borough and township offices receive their certificates of election from the clerk of the court of quarter sessions or from the election officers in the township, excepting the justice of the peace, whose election is certified to the governor, from whom the justice of the peace receives his commission.²

¹ Read note page 215, *Thorpe's Course in Civil Government*.

² **Plurality and Majority Votes.**—When there are more than two candidates for the same office, the successful candidate is usually elected, not by a majority, but by a plurality, vote. The candidate

111. The Officer-Elect.—The candidate who has been declared elected is the officer-elect, but he has not yet become an officer. The Constitution requires that every person elected to be a senator, a representative, a State, a county or a judicial officer, shall, before entering on the duties of the office to which he was elected, take and subscribe the oath of office, in which he swears or affirms that he will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that he will discharge the duties of his office with fidelity.¹ The General Assembly has by law provided that city, borough and township officers, also, shall take the oath of office. When the time has expired for which his predecessor was elected, and after the officer-elect has taken the oath, he assumes the duties of the office to which he was elected.

receives a plurality vote when he receives more votes than any other candidate for the same office; he receives a majority vote when he receives more than half the whole number of votes cast for any office.

¹ See *Art. VII.*

CHAPTER IV.

TO THE PEOPLE WE COME SOONER OR LATER.



“To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.”—BRYCE.

112. The government of Pennsylvania, in State, county, city, borough and township, is the familiar tripartite form of government for which our ancestors so long contended in England and for which our forefathers made such costly sacrifices during the Revolutionary war.

113. The people, through their representatives whom they elect, make the laws, which are interpreted by judges whom the people choose, and which are executed by executive officers of their choice. So closely is the individual citizen connected with the government that any one of us, old or young, who may think of some plan by which the welfare of the people would be promoted, may form our ideas into a bill and send it to our representatives in the General Assembly or in the Federal Congress, and it may be enacted into a law of the land.

114. The Constitution and laws of the State are but the expression of the will of the people as to the method of securing the best form of civil government, which implies the protection of all the rights and interests of the people, their lives, their property, their safety, their happiness and their prosperity.

The numerous officers chosen by the people, in State, county, city, borough and township, to administer the

laws and transact the public business, are responsible to the people for the care of the public interests entrusted to them; they are the public servants of the people; and while the term "public servants" may be to the thoughtless but a meaningless expression, to the more thoughtful it has all the significance intended by the Constitution when it uses the words "chosen to serve."

115. The government, in all of its departments, is "of the people, by the people, for the people." To the people we come sooner or later; on them, on the individual citizen, rest the stability and the security of the State. As we each of us realize our privileges, and with fidelity and loyalty live up to our responsibilities in the home, in the school, in township, in borough, in city, in State and in the nation, so shall we, like the favored people of old, "be blessed among the nations"—so shall we worthily bear on the flag of the State, which is the emblem of its authority, and on the coat of arms of the State, which is the evidence of that authority, the ennobling motto written there by our fathers: "Virtue, Liberty and Independence"—so shall be answered the prayer of the great founder of our State: "God bless the Commonwealth of Pennsylvania."

CONSTITUTION

OF THE

COMMONWEALTH OF PENNSYLVANIA.



THE PREAMBLE.

WE, the People of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE that

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SECTION 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends, they have, at all times, an inalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

SECTION 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience; and no preference shall ever be given, by law, to any religious establishments or modes of worship.

SECTION 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office, or place of trust or profit, under this Commonwealth.

SECTION 5. Elections shall be free and equal; and no power, civil or military, shall, at any time, interfere to prevent the free exercise of the right of suffrage.

SECTION 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SECTION 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had, in any prosecution for the publication of papers relating to the official conduct of officers, or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made, shall be established to the satisfaction of the jury; and in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

SECTION 8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

SECTION 9. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SECTION 10. No person shall, for any indictable offence, be proceeded against criminally, by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; or, by leave of the Court, for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall private property be taken or applied to public use, without authority of law, and without just compensation being first made or secured.

SECTION 11. All courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial, or delay. Suits may be brought against the Commonwealth, in such manner, in such courts, and in such cases, as the Legislature may by law direct.

SECTION 12. No power of suspending laws shall be exercised, unless by the Legislature, or by its authority.

SECTION 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SECTION 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SECTION 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

SECTION 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SECTION 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SECTION 18. No person shall be attainted of treason or felony by the Legislature.

SECTION 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SECTION 20. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SECTION 21. The right of the citizens to bear arms in defence of themselves and the State, shall not be questioned.

SECTION 22. No standing army shall, in time of peace, be kept up, without the consent of the Legislature; and

the military shall in all cases, and at all times, be in strict subordination to the civil power.

SECTION 23. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SECTION 24. The Legislature shall not grant any title of nobility or hereditary distinction; nor create any office, the appointment to which shall be for a longer term than during good behavior.

SECTION 25. Emigration from the State shall not be prohibited.

SECTION 26. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that everything in this article is excepted out of the general powers of government, and shall for ever remain inviolate.

ARTICLE II.

THE LEGISLATURE.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION 2. Members of the General Assembly shall be chosen at the general election, every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election, to fill such vacancy for the remainder of the term.

SECTION 3. Senators shall be elected for the term of four years, and Representatives for the term of two years.

SECTION 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January, every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session

after the year 1878. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses by proclamation, on notice, not exceeding sixty days, to fill the same.

SECTION 5. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

SECTION 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth; and no member of Congress, or other person holding any office (except of attorney-at-law, or in the militia), under the United States, or this Commonwealth, shall be a member of either House, during his continuance in office.

SECTION 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SECTION 8. The members of the General Assembly shall receive such salary and mileage, for regular and special sessions, as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SECTION 9. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members President *pro tem*-

pore, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SECTION 10. A majority of each House shall constitute a quorum ; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SECTION 11. Each House shall have power to determine the rules of its proceedings, and punish its members, or other persons, for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time, for the same cause ; and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House ; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

SECTION 12. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, except such parts as require secrecy ; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SECTION 13. The sessions of each House, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SECTION 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 15. The members of the General Assembly shall, in all cases, except treason, felony, violation of their

oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

SECTION 16. The State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be; and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population, shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district, unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths, and exceeding one-half of a ratio; and no county shall be divided, unless entitled to two or more Senators. No city or county shall be entitled to separate representation, exceeding one-sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The Senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

SECTION 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio; but each county shall have at least one Representative. Every county containing five ratios or more, shall have one Representative for every full ratio. Every city containing a population equal to a ratio, shall elect separately its proportion of the Representatives allotted to

the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory; each district to elect its proportion of Representatives according to its population; but no district shall elect more than four Representatives.

SECTION 18. The General Assembly, at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into Senatorial and Representative districts, agreeably to the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

SECTION 1. No law shall be passed except by bill; and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

SECTION 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

SECTION 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SECTION 4. Every bill shall be read at length, on three different days, in each house; all amendments made thereto shall be printed for the use of the members, before the final vote is taken on the bill; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SECTION 5. No amendment to bills by one House shall

be concurred in by the other except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

SECTION 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length.

SECTION 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town-plats, streets, or alleys; relating to cemeteries, graveyards, or public grounds, not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers, in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; reg-

ulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding, or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual, any special or exclusive privilege or immunity, or to any corporation, association, or individual, the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law, by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges, in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same, or give the relief asked for.

SECTION 8. No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be

provided by law ; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

SECTION 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read, immediately before signing ; and the fact of signing shall be entered on the journal.

SECTION 10. The General Assembly shall prescribe by law the number, duties, and compensation of the officers and employés of each House ; and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SECTION 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent, or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth, without previous authority of law.

SECTION 12. All stationery, printing, paper, and fuel used in the legislative and other departments of Government, shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below such maximum price, and under such regulations, as shall be prescribed by law ; no member or officer of any department of the Government shall be, in any way, interested in such contracts ; and all such contracts shall be subject to the approval of the Governor Auditor-General, and State Treasurer.

SECTION 13. No law shall extend the term of any public

officer, or increase or diminish his salary or emoluments, after his election or appointment.

SECTION 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SECTION 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the Commonwealth, interest on the public debt, and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SECTION 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SECTION 17. No appropriation shall be made to any charitable or educational institution, not under the absolute control of the Commonwealth, other than normal schools, established by law, for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SECTION 18. No appropriations, except for pensions, or gratuities for military services, shall be made for charitable, educational, or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation, or association.

SECTION 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

SECTION 20. The General Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise, or interfere with any municipal improvement, money, property, or effects,

whether held in trust or otherwise, or to levy taxes, or perform any municipal function whatever.

SECTION 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons; and such acts now existing are avoided.

SECTION 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians, or other trustees, in the bonds or stock of any private corporation; and such acts now existing are avoided, saving investments heretofore made.

SECTION 23. The power to change the venue in civil and criminal cases shall be vested in the Courts, to be exercised in such manner as shall be provided by law.

SECTION 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished, by the General Assembly; nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

SECTION 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SECTION 26. Every order, resolution, or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds

of both Houses, according to the rules and limitations prescribed in case of a bill.

SECTION 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity ; but any county or municipality may appoint such officers, when authorized by law.

SECTION 28. No law changing the location of the Capital of the State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth, at a general election, and ratified and approved by them.

SECTION 29. A member of the General Assembly who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby ; or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter, or thing to another ; shall be held guilty of bribery, within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

SECTION 30. Any person who shall, directly or indirectly, offer, give or promise, any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

SECTION 31. The offence of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SECTION 32. Any person may be compelled to testify, in any lawful investigation or judicial proceeding, against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony, upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him, in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offences aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust, or profit in this Commonwealth.

SECTION 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

SECTION 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, Auditor-General, State-Treasurer, Secretary of Internal Affairs, and a Superintendent of Public Instruction.

SECTION 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Common-

wealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the President of the Senate, who shall open and publish them, in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal, and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

SECTION 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SECTION 4. A Lieutenant-Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote, unless they be equally divided.

SECTION 5. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States, or of this State.

SECTION 6. No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of Governor or Lieutenant-Governor.

SECTION 7. The Governor shall be Commander-in-Chief of the Army and Navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

SECTION 8. He shall nominate, and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General, during pleasure, a Superintendent of Public Instruction, for four years, and such other officers of the Commonwealth as he is, or may be authorized, by the Constitution or by law, to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs, or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy in an elective office, a person shall be chosen to said office, at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case, the election for said office shall be held at the second succeeding general election. In acting on executive nominations, the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

SECTION 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence, and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, and Secretary of Internal Affairs, or any three of them, after

full hearing, upon due public notice, and in open session; and such recommendation, with the reasons therefor, at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SECTION 10. He may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SECTION 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SECTION 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session, by proclamation, for the transaction of executive business.

SECTION 13. In case of the death, conviction, or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties, and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SECTION 14. In case of a vacancy in the office of Lieutenant-Governor, or when the Lieutenant-Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof, for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall, in like manner, become Governor, if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant, whenever he shall become Governor, and shall be filled by election, as any other vacancy in the Senate.

SECTION 15. Every bill which shall have passed both Houses, shall be presented to the Governor ; if he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered ; and if approved by two-thirds of all the members elected to that House, it shall be a law ; but in such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor, within ten days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case, it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof, by public proclamation, within thirty days after such adjournment.

SECTION 16. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SECTION 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant-Governor, and shall decide questions regarding the admissibility of evidence, and shall,

upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. Governor and Lieutenant-Governor shall exercise the duties of their respective offices, until their successors shall be duly qualified.

SECTION 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and, when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly; and perform such other duties as may be enjoined upon him by law.

SECTION 19. The Secretary of Internal Affairs shall exercise all the powers, and perform all the duties, of the Surveyor-General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics; and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State, as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

SECTION 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SECTION 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor-General, three years; and of the State Treasurer, two years. These officers shall be chosen by the qualified electors of the State, at general elections. No person elected to the office of Auditor-General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SECTION 22. The present great seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of

Pennsylvania, and be sealed with the State seal, and signed by the Governor.

ARTICLE V.

THE JUDICIARY.

SECTION 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in Courts of Common Pleas, Courts of Oyer and Terminer and General Jail Delivery, Courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other Courts as the General Assembly may from time to time establish.

SECTION 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire, shall be Chief Justice, and, thereafter, each judge whose commission shall first expire, shall in turn be Chief Justice.

SECTION 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties: they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to Courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction, by appeal, *certiorari*, or writ of error, in all cases, as is now or may hereafter be provided by law.

SECTION 4. Until otherwise directed by law, the Courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties

shall, at any time, be included in one judicial district organized for said Courts.

SECTION 5. Whenever a county shall contain forty thousand inhabitants, it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts, shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts, as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished, in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted, shall serve for their unexpired terms.

SECTION 6. In the counties of Philadelphia and Allegheny, all the jurisdiction and powers now vested in the District Courts and Courts of Common Pleas, subject to such changes as may be made by this Constitution, or by law, shall be, in Philadelphia, vested in four, and in Allegheny in two, distinct and separate Courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the Court of Common Pleas number one, number two, number three, and number four, and in Allegheny, as the Court of Common Pleas number one and number two; but the number of said Courts may be by law increased, from time to time, and shall be, in like manner, designated by successive numbers; the number of judges in any of said Courts, or in any county where the establishment of an additional Court may be authorized by law, may be increased, from time to time; and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate Court as aforesaid, which shall be numbered as aforesaid. In Philadelphia, all suits shall be instituted in the said Courts

of Common Pleas, without designating the number of said Court, and the several Courts shall distribute and apportion the business among them in such manner as shall be provided by rules of Court; and each Court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny, each Court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue, as may be provided by law.

SECTION 7. For Philadelphia, there shall be one prothonotary's office, and one prothonotary for all said Courts, to be appointed by the judges of said Courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said Courts, and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each Court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said Courts, as is or may be directed by law.

SECTION 8. The said Courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges, to hold the Courts of Oyer and Terminer, and the Courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

SECTION 9. Judges of the Courts of Common Pleas learned in the law shall be judges of the Courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be justices of the peace as to criminal matters.

SECTION 10. The judges of the Courts of Common Pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the peace and other inferior Courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

SECTION 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs, and townships, at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district, or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward, or borough; no person shall be elected to such office, unless he shall have resided within the township, borough, ward, or district, for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

SECTION 12. In Philadelphia, there shall be established, for each thirty thousand inhabitants, one Court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such Courts shall be held by magistrates, whose term of office shall be five years, and they shall be elected on general ticket, by the qualified voters at large; and in the election of the said magistrates, no voter shall vote for more than two-thirds of the number of persons to be elected, when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction, or conferring political duties, as may be made by law. In Philadelphia, the office of alderman is abolished.

SECTION 13. All fees, fines, and penalties in said courts shall be paid into the county treasury.

SECTION 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.

SECTION 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them, on the address of two-thirds of each House of the General Assembly.

SECTION 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen, he shall vote for no more than two; candidates highest in vote shall be declared elected.

SECTION 17. Should any two or more judges of the Supreme Court, or any two or more judges of the Court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SECTION 18. The judges of the Supreme Court and the judges of the several Courts of Common Pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees, or perquisites of office, for their services, from any source;

nor hold any other office of profit under the United States, this State, or any other State.

SECTION 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

SECTION 20. The several Courts of Common Pleas, besides the powers herein conferred, shall have and exercise, within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several Courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SECTION 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial; nor shall any of the judges thereof exercise any power of appointment, except as herein provided. The Court of Nisi Prius is hereby abolished; and no court of original jurisdiction, to be presided over by any one or more of the judges of the Supreme Court, shall be established.

SECTION 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate Orphans' Court, to consist of one or more judges, who shall be learned in the law; which Court shall exercise all the jurisdiction and powers now vested in, or which may hereafter be conferred upon, the Orphans' Courts; and thereupon, the jurisdiction of the judges of the Court of Common Pleas within such county, in Orphans' Court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such Court, and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent

and approval of said Court. All accounts filed with him as register, or as clerk of the said separate Orphans' Court, shall be audited by the Court, without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor, whom the Court may, in its discretion, appoint. In every county, Orphans' Courts shall possess all the powers and jurisdiction of a Register's Court; and separate Registers' Courts are hereby abolished.

SECTION 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

SECTION 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record, and all proceedings, to the Supreme Court, for review.

SECTION 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment, by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

SECTION 26. All laws relating to Courts shall be general, and of uniform operation, and the organization, jurisdiction, and powers of all Courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such Courts, shall be uniform; and the General Assembly is hereby prohibited from creating other Courts, to exercise the powers vested by this Constitution in the judges of the Courts of Common Pleas and Orphans' Courts.

SECTION 27. The parties, by agreement filed, may, in any civil case, dispense with trial by jury, and submit the

decision of such case to the Court having jurisdiction thereof, and such Court shall hear and determine the same; and the judgment thereon shall be subject to a writ of error, as in other cases.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SECTION 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

SECTION 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SECTION 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed, on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record, and the Superintendent of Public Instruction, may be removed, at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly, and Judges of the Courts of Record, learned in the law, shall be removed by the Governor, for reasonable cause, after

due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

OATH OF OFFICE.

SECTION 1. Senators and Representatives, and all judicial, State and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation, shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be for ever disqualified from hold-

ing any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court, or of a Court of Common Pleas learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen, twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections :

I. He shall have been a citizen of the United States at least one month.

II. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

III. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

IV. If twenty-two years of age or upwards, he shall have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election.

SECTION 2. The general election shall be held annually on the Tuesday next following the first Monday of November ; but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SECTION 3. All elections for city, ward, borough, and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SECTION 4. All elections by the citizens shall be by

ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon, and attested by a citizen of the district. The election officers shall be sworn or affirm not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding.

SECTION 5. Electors shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SECTION 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage, in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SECTION 7. All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State; but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SECTION 8. Any person who shall give, or promise, or offer to give, to an elector, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party, for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such elec-

tion; and any elector whose right to vote shall be challenged for such cause, before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SECTION 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws, shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SECTION 10. In trials of contested elections, and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony, upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him, in any judicial proceeding, except for perjury in giving such testimony.

SECTION 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the Court of Quarter Sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the Courts of Quarter Sessions, having jurisdiction therein, whenever, at the next preceding election, more than two hundred and fifty votes shall have been polled therein; and other election districts, whenever the Court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SECTION 12. All elections by persons in a representative capacity shall be *vivâ voce*.

SECTION 13. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his

presence, or lost it, by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum, at public expense, nor while confined in public prison.

SECTION 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SECTION 15. No person shall be qualified to serve as an election officer who shall hold, or shall, within two months, have held, any office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust, in any city, save only justices of the peace and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office, to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

SECTION 16. The Courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of elections, to supervise the proceedings of election officers, and

to make report to the Court as may be required ; such appointments to be made for any district in a city or county, upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections ; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties ; whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference ; in appointing overseers of election, all the law judges of the proper Court, able to act at the time, shall concur in the appointments made.

SECTION 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal, or local, shall be by the Courts of law, or by one or more of the law judges thereof ; the General Assembly shall, by general law, designate the Courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto ; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

SECTION 1. All taxes shall be uniform upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws ; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship,

places of burial not used or held for private or corporate profit, and institutions of purely public charity.

SECTION 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SECTION 3. The power to tax corporations and corporate property shall not be surrendered or suspended, by any contract or grant to which the State shall be a party.

SECTION 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue, shall never exceed, in the aggregate, at any one time, one million of dollars.

SECTION 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used; and the money so borrowed shall be used for the purpose specified, and no other.

SECTION 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation, or association; nor shall the Commonwealth become a joint owner or stockholder in any company, association, or corporation.

SECTION 7. The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution, or individual.

SECTION 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness, to an amount exceeding two per centum upon such assessed

valuation of property, without the assent of the electors thereof, at a public election, in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum in the aggregate, at any one time, upon such valuation.

SECTION 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough, or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

SECTION 10. Any county, township, school district, or other municipality, incurring any indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest, and also the principal thereof within thirty years.

SECTION 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof, by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time, by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of Government; and unless in case of war, invasion, or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SECTION 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund; and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

SECTION 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited, and how secured.

SECTION 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law; but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X.

EDUCATION.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

SECTION 2. No money raised for the support of the public schools of the Commonwealth, shall be appropriated to or used for the support of any sectarian school.

SECTION 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

MILITIA.

SECTION 1. The freemen of this Commonwealth shall be armed, organized, and disciplined for its defence, when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the treasury of the Commonwealth; and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

PUBLIC OFFICERS.

SECTION 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

SECTION 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any office in this State, to which a salary, fees, or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SECTION 3. Any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

NEW COUNTIES.

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor

shall any county be formed of less area, or containing a less population ; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV.

COUNTY OFFICERS.

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors, or controllers, clerks of the courts, district-attorneys, and such others as may, from time to time, be established by law ; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SECTION 2. County officers shall be elected at the general elections, and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified ; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

SECTION 3. No person shall be appointed to any office within any county, who shall have not been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected ; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SECTION 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county-surveyors, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

SECTION 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried, shall pay all fees which they may be

authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants, all county officers shall be paid by salary; and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SECTION 6. The General Assembly shall provide by law for the strict accountability of all county, township, and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SECTION 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year 1875, and every third year thereafter; and in the election of said officers, each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the Court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county, who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV.

CITIES AND CITY CHARTERS.

SECTION 1. Cities may be chartered, whenever a majority of the electors of any town or borough, having a population of at least ten thousand, shall vote, at any general election, in favor of the same.

SECTION 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SECTION 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

PRIVATE CORPORATIONS.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SECTION 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SECTION 3. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SECTION 4. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SECTION 5. No foreign corporation shall do any business in this State, without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

SECTION 6. No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

SECTION 7. No corporation shall issue stocks or bonds, except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained, at a meeting to be held, after sixty days' notice, given in pursuance of law.

SECTION 8. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages, in all cases of appeal, shall, on the demand of either party, be determined by a jury, according to the course of the common law.

SECTION 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation; and that ample security to the full amount thereof shall be deposited with the auditor-general, for the redemption of such notes or bills.

SECTION 10. The General Assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing, and revocable at the adoption of this Constitu-

tion, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew, or extend the charter of more than one corporation.

SECTION 11. No corporate body to possess banking and discounting privileges, shall be created or organized, in pursuance of any law, without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law; nor shall a charter for such privilege be granted for a longer period than twenty years.

SECTION 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and the General Assembly shall, by general law, of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company, owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SECTION 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations, having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

RAILROADS AND CANALS.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be

common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect, at the State line, with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SECTION 2. Every railroad and canal corporation organized in this State shall maintain an office therein, where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SECTION 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made, in charges for, or in facilities for, transportation of freight or passengers, within the State, or coming from or going to any other State. Persons and property transported over any railroad, shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station; but excursion and commutation tickets may be issued at special rates.

SECTION 4. No railroad, canal, or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of such corporation, with, or lease or purchase the works or franchises of, or in any way control, any other railroad or canal corporation, owning or having

under its control a parallel or competing line ; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning or having the control of a parallel or competing line ; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury, as in other civil issues.

SECTION 5. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles, for transportation over its works ; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business ; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal, not exceeding fifty miles in length.

SECTION 6. No president, director, officer, agent, or employé of any railroad or canal company, shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SECTION 7. No discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise ; and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power.

SECTION 8. No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any person, except officers or employés of the company.

SECTION 9. No street passenger railway shall be con-

structed within the limits of any city, borough, or township, without the consent of its local authorities.

SECTION 10. No railroad, canal, or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation, by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SECTION 11. The existing powers and duties of the auditor-general, in regard to railroads, canals, and other transportation companies, except as to their accounts, are hereby transferred to the secretary of internal affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said secretary may require special reports, at any time, upon any subject relating to the business of said companies, from any officer or officers thereof.

SECTION 12. The General Assembly shall enforce, by appropriate legislation, the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published, three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the

Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State, in such manner, and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted, they shall be voted upon separately.

SUBJECTS OF THE SEVERAL ARTICLES OF THE CONSTITUTION OF PENNSYLVANIA.

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APPENDIX.



THE JUDICIAL DISTRICTS OF PENNSYLVANIA.

Pennsylvania is divided into fifty-four judicial districts, as follows :

1. Philadelphia County.	28. Venango	"
2. Lancaster	29. Lycoming	"
3. Northampton	30. Crawford	"
4. Tioga	31. Lehigh	"
5. Allegheny	32. Delaware	"
6. Erie	33. Armstrong	"
7. Bucks	34. Susquehanna	"
8. Northumberland	35. Mercer	"
9. Cumberland	36. Beaver	"
10. Westmoreland	37. Warren and Forest Counties.	
11. Luzerne	38. Montgomery County.	
12. Dauphin	39. Franklin	"
13. Greene	40. Indiana	"
14. Fayette	41. Juniata and Perry Counties.	
15. Chester	42. Bradford County.	
16. Bedford and Somerset Counties.	43. Carbon and Monroe Counties.	
17. Union and Snyder	44. Wyoming and Sullivan	"
18. Clarion County.	45. Lackawanna County.	
19. York	46. Clearfield	"
20. Huntingdon and Mifflin Co's.	47. Cambria	"
21. Schuylkill County.	48. McKean and Potter Counties.	
22. Wayne and Pike Counties.	49. Centre County.	
23. Berks County.	50. Butler	"
24. Blair	51. Adams and Fulton Counties.	
25. Clinton, Cameron and Elk Co's.	52. Lebanon County.	
26. Columbia and Montour	53. Lawrence	"
27. Washington County.	54. Jefferson	"

The judges of the courts are not county officers ; they are officers of the judicial district which a county forms, or of which it is a part.

THE CHIEF EXECUTIVE OFFICERS OF PENNSYLVANIA SINCE 1776.

Benjamin Franklin,

Chairman of the Committee of Safety, Sept., 1776, to March, 1777.

PRESIDENTS OF THE SUPREME EXECUTIVE COUNCIL.

NAME.	TERM OF OFFICE.
Thomas Wharton, Jr.	March 5, 1777, to May 23, 1778
George Bryan	May 23, 1778, to Dec. 1, 1778
Joseph Reed	Dec. 1, 1778, to Oct. 8, 1781
William Moore	Nov. 14, 1781, to Oct. 8, 1782
John Dickinson	Nov. 7, 1782, to Oct. 18, 1785
Benjamin Franklin	Oct. 18, 1785, to Oct. 14, 1788
Thomas Mifflin	Nov. 5, 1788, to Dec. 20, 1790

GOVERNORS OF PENNSYLVANIA SINCE 1790.

Thomas Mifflin	Dec. 21, 1790, to Dec. 17, 1799
Thomas McKean	Dec. 17, 1799, to Dec. 20, 1808
Simon Snyder	Dec. 20, 1808, to Dec. 16, 1817
William Findlay	Dec. 16, 1817, to Dec. 19, 1820
Joseph Hiester	Dec. 19, 1820, to Dec. 16, 1823
John Andrew Shulze	Dec. 16, 1823, to Dec. 15, 1829
George Wolf	Dec. 15, 1829, to Dec. 15, 1835
Joseph Ritner	Dec. 15, 1835, to Jan. 15, 1839
David Rittenhouse Porter	Jan. 15, 1839, to Jan. 21, 1845
Francis Rawn Shunk *	Jan. 21, 1845, to July 9, 1848
William Freame Johnston	July 26, 1848, to Jan. 20, 1852
William Bigler	Jan. 20, 1852, to Jan. 16, 1855
James Pollock	Jan. 16, 1855, to Jan. 19, 1858
William Fisher Packer	Jan. 19, 1858, to Jan. 15, 1861
Andrew Gregg Curtin	Jan. 15, 1861, to Jan. 15, 1867
John White Geary	Jan. 15, 1867, to Jan. 21, 1873
John Frederick Hartranft	Jan. 21, 1873, to Jan. 18, 1879
Henry Martyn Hoyt	Jan. 18, 1879, to Jan. 16, 1883
Robert Emory Pattison	Jan. 16, 1883, to Jan. 18, 1887
James Adams Beaver	Jan. 18, 1887, to Jan. 20, 1891
Robert Emory Pattison	Jan. 20, 1891, to Jan. 15, 1895
Daniel Hartman Hastings	Jan. 15, 1895

¹ Resigned July 9, 1848. There was an interregnum from July 9, 1848, to July 26, 1848. Johnston did not take the oath of office till July 26, 1848.

Comparative View of the Population of the Several Counties of Pennsylvania, according to the Census of 1880 and the Census of 1890.

COUNTY.	COUNTY SEAT.	Pop. in 1880.	Pop. in 1890.	Inc. p. c.
Adams	Gettysburg	32,455	33,486	3.0
Allegheny	Pittsburgh	355,869	551,959	55.0
Armstrong	Kittanning	47,611	46,747	*1.9
Beaver	Beaver	39,605	50,077	26.0
Bedford	Bedford	34,929	38,644	10.6
Berks	Reading	122,597	137,327	12.0
Blair	Hollidaysburgh	52,740	70,866	34.0
Bradford	Towanda	58,541	59,233	1.1
Bucks	Doylestown	68,656	70,615	2.8
Butler	Butler	52,536	55,339	5.3
Cambria	Ebensburgh	46,811	66,375	41.0
Cameron	Emporium	5,159	7,238	40.0
Carbon	Mauch Chunk	31,923	38,624	20.9
Centre	Bellefonte	37,922	43,269	14.0
Chester	West Chester	83,481	89,377	7.0
Clarion	Clarion	40,328	36,802	*8.7
Clearfield	Clearfield	43,408	69,565	62.0
Clinton	Lock Haven	26,278	28,685	9.1
Columbia	Bloomsburg	32,409	36,832	13.0
Crawford	Meadville	68,607	65,324	*4.9
Cumberland	Carlisle	45,977	47,271	2.8
Dauphin	Harrisburg	76,148	96,977	27.0
Delaware	Media	56,101	74,683	33.0
Elk	Ridgway	12,800	22,239	73.7
Erie	Erie	74,688	86,074	15.0
Fayette	Uniontown	58,842	80,006	36.0
Forest	Tionesta	4,385	8,482	93.4
Franklin	Chambersburg	49,855	51,433	3.1
Fulton	McConnellsburg	10,149	10,137	*0.1
Greene	Waynesburg	28,273	28,935	2.3
Huntingdon	Huntingdon	33,954	35,751	5.2
Indiana	Indiana	40,527	42,175	4.0
Jefferson	Brookville	27,935	44,005	57.0

* Decrease.

POPULATION OF PENNSYLVANIA.—*Continued.*

COUNTY.	COUNTY SEAT.	Pop. in 1880.	Pop. in 1890.	Inc. p. c.
Juniata	Mifflintown	18,227	16,665	*8.6
Lackawanna	Scranton	89,269	142,088	59.0
Lancaster	Lancaster	139,447	149,095	6.9
Lawrence	New Castle	33,312	37,517	12.6
Lebanon	Lebanon	38,476	48,131	15.0
Lehigh	Allentown	65,996	76,631	16.0
Luzerne	Wilkes Barre	133,065	201,203	51.0
Lycoming	Williamsport	57,486	70,579	22.7
McKean	Smethport	42,565	46,863	10.0
Mercer	Mercer	56,161	55,744	*0.7
Mifflin	Lewistown	19,577	19,996	2.0
Monroe	Stroudsburg	20,175	20,111	*0.3
Montgomery	Norristown	96,494	123,290	27.0
Montour	Danville	15,468	15,645	1.0
Northampton	Easton	70,312	84,220	19.0
Northumberland	Sunbury	53,123	74,698	40.6
Perry	New Bloomfield	27,522	26,276	*4.5
Philadelphia	Philadelphia	847,170	1,046,964	21.2
Pike	Milford	9,663	9,412	*2.5
Potter	Coudersport	13,797	22,778	65.0
Schuylkill	Pottsville	129,974	154,163	18.5
Snyder	Middleburg	17,797	17,651	*0.8
Somerset	Somerset	33,110	37,317	12.7
Sullivan	Laporte	8,073	11,620	43.9
Susquehanna	Montrose	40,354	40,093	*0.6
Tioga	Wellsboro	45,814	52,313	14.0
Union	Lewisburg	16,905	17,820	5.4
Venango	Franklin	43,670	46,640	6.8
Warren	Warren	27,981	37,585	30.0
Washington	Washington	55,418	71,155	28.0
Wayne	Honesdale	33,513	31,010	*7.4
Westmoreland	Greensburg	78,036	112,819	44.0
Wyoming	Tunkhannock	15,598	15,891	1.2
York	York	87,841	99,489	13.3
		4,282,891	5,258,014	22.7

* Decrease.

Cities and Boroughs in Pennsylvania having a Population over 5000, according to the Census of 1890.¹

Philadelphia	1,046,964	Meadville	9,520
Pittsburgh	238,617	Plymouth	9,344
Allegheny	105,287	Steelton	9,250
Scranton	75,215	Butler	8,734
Reading	58,661	Braddock	8,561
Erie	40,634	Phoenixville	8,514
Harrisburg	39,385	Dunmore	8,315
Wilkes Barre	37,718	Mount Carmel	8,254
Lancaster	32,011	Titusville	8,073
Altoona	30,337	West Chester	8,028
Williamsport	27,132	Danville	7,998
Allentown	25,228	Homestead	7,911
Johnstown	21,805	Chambersburg	7,863
York	20,793	Carlisle	7,620
McKeesport	20,741	Sharon	7,459
Chester	20,226	Lock Haven	7,358
Norristown	19,791	Ashland	7,346
Shenandoah	15,944	South Chester	7,076
Lebanon	14,644	Washington	7,063
Easton	14,481	Bethlehem	6,762
Shamokin	14,403	Bristol	6,553
Pottsville	14,117	Uniontown	6,359
Pottstown	13,285	Franklin	6,221
Hazleton	11,872	Du Bois	6,149
New Castle	11,600	Tamaqua	6,054
Mahanoy City	11,286	Sunbury	5,930
Oil City	10,932	Huntingdon	5,729
Carbondale	10,833	Corry	5,677
Columbia	10,599	Connellsville	5,629
Bradford	10,514	New Brighton	5,616
South Bethlehem	10,302	South Easton	5,616
Pittston	10,302	Conshohocken	5,470
Nanticoke	10,044	Milton	5,317
Beaver Falls	9,735	Middletown	5,080

¹ Any borough having a population of 10,000, may be chartered as a city whenever a majority of the electors, at any general election, shall so decide. (See Art. XV. Sect. 1.)



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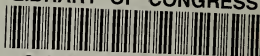








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